In the Matter Of:

IN RE DEPUTY CHIEF DAVID MCNAUGHTON

DAVID MCNAUGHTON May 25, 2016



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05/25/2016 MCNAUGHTON DAVID IN RE DEPUTY CHIEF DAVID MCNAUGHTON

1	
2	IN RE:)
3	INTERVIEW OF:)
4)
5	DEPUTY CHIEF) DAVID R. McNAUGHTON)
6	
7	
8	The interview of
9	DEPUTY CHIEF DAVID R. McNAUGHTON taken in the
10	above-entitled cause, before Teresa Volpentesta,
11	a notary public within and for the County of
12	Cook and State of Illinois, and a Certified
13	Shorthand Reporter of said state, at 300 West
14	Adams Street, Chicago, Illinois, Suite 800, on
15	the 25th day of May, 2016 at the hour of 9:00 a.m.
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IN RE DEPUTY CHIEF DAVID MCNAUGHTON

1	APPEARANCES:
2	
3	POLICEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION LABOR COMMITTEE
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6	MR. THOMAS PLEINES,
7	
8	On behalf of Deputy Chief David R. McNaughton;
9	
10	OFFICE OF THE INSPECTOR GENERAL
11	(740 North Sedgwick Street, Suite 200 Chicago, Illinois 60654 773.478.5228), by:
12	sansari@chicagoinspectorgeneral.org
13	rvaldez@chicagoinspectorgeneral.org MS. SARAH S. ANSARI and MR. RAUL A. VALDEZ,
14	MR. MICH II. VILLELL,
15	On behalf of the City of Chicago.
16	
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1 MR. VALDEZ: So as a preliminary matter, I 2 am providing the following information: An 3 independent certified court reporter is present today to provide a verbatim transcript of this interview. 5 To aid in the accuracy of this 6 transcript, it is the custom and practice of 7 court reporters to audio record the interview. 8 9 The recording is the confidential 10 work product of the court reporter and will not be provided to any party, including the 11 Inspector General's Office. 12 If you request, the audio recording 13 will be discontinued. 14 MR. PLEINES: No, that's fine, yeah. 15 MR. VALDEZ: So let the record reflect 16 today is May 25, 2016. The time is 9:00 a.m. 17 18 We are located at 300 West Adams, the office of Amicus Court Reporters. 19 20 My name is Raul Valdez, V-a-l-d-e-z. The court reporter is Teresa Volpentesta, and I 21 would ask the other individuals present today to 22 identify themselves and spell their names for 23

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the record.

2.4

1	DEPUTY CHIEF DAVID McNAUGHTON,
2	called as a witness herein, having been first
3	duly sworn, was examined and testified as
4	follows:
5	EXAMINATION
6	BY MR. VALDEZ:
7	Q. Deputy Chief McNaughton, here is a
8	copy of the Advisements.
9	We will just go through these
10	line-by-line, and we will just get an
11	affirmation that you understand each one.
12	So I, David McNaughton, understand
13	that I am being interviewed by Raul Valdez and
14	Sarah Ansari of the City of Chicago, Office of
15	Inspector General.
16	Today is 5/25, 9:00 a.m. We are at
17	300 West Adams, and David McNaughton, do you
18	understand that this interview is part of an
19	official investigation and that you have the
20	duty to cooperate with the Office of Inspector
21	General, which includes answering all questions
22	completely and truthfully?
23	A. I do.
24	Q. Do you understand that you have no

1	right to remain silent? You understand that you
2	have the obligation to answer questions put to
3	you truthfully? You understand that if you
4	refuse to answer questions, you will be ordered
5	by a superior office to answer the questions?
6	Do you further understand that you
7	have been advised that if you persist in a
8	refusal to answer after an order to do so, such
9	further refusal constitutes a violation of the
10	rules and regulations of the Chicago Police
11	Department and may serve as a basis for your
12	discharge?
13	A. I do.
14	Q. Do you understand that you have been
15	advised that your statements or responses may
16	constitute an official police report?
17	You understand that Rule 14 of the
18	Chicago Police Department's Rules and
19	Regulations prohibits making a false report,
20	written or oral, and further understand that
21	making such a false report, whether written or
22	oral, may result in your separation from the
23	Chicago Police Department?

A. I do.

24

24

1	Q. You understand that any statement
2	made by you during the interview may be used as
3	evidence of misconduct or as a basis for
4	disciplinary action up to and including removal
5	or discharge?
6	A. I do.
7	Q. You understand that any statement
8	made by you during this interview and the fruits
9	thereof cannot be used against you in a criminal
10	proceeding?
11	A. I do.
12	Q. You understand that you have the
13	right to have a union representative or legal
14	counsel of your choosing present at the
15	interview to consult with, and you have been
16	given a reasonable time to obtain a union
17	representative or legal counsel as long as the
18	interview is not unduly delayed?
19	A. I do.
20	Q. You understand that refusal to answer
21	any question, or any false, inaccurate, or
22	deliberately incomplete statement by you would
23	constitute a violation of Chicago Municipal

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Ordinance 2-56, and may serve as a basis for

1	your discharge?
2	A. I do.
3	Q. You acknowledge this statement of
4	your administrative rights has been read aloud
5	to you and you have been allowed to review this
6	document?
7	A. Yes.
8	Q. Okay. If you could please sign where
9	it says Employee's Signature?
LO	A. (Witness complied.)
L1	Q. And right here where it says Waiver,
L2	since obviously you have counsel, we are just
L3	going to X that out, okay?
L4	A. Okay. Will I obtain a copy of that
L5	document?
L6	Q. What will happen is with the
L7	transcript, you will get a copy of all the
L8	exhibits that we served to you today, okay?
L9	A. Okay.
20	MS. ANSARI: And for the record, Raul
21	Valdez and Sarah Ansari are signing the witness
22	lines.
23	And we are entering the Advisements
24	into evidence as Exhibit 1.

24

via teleconference.)

1	CHIEF WELCH: Eddie Welch, may I help you?
	MR. VALDEZ: Hi, Chief Welch. This is Raul
2	
3	Valdez with the Inspector General's Office. I
4	have you on speaker phone.
5	CHIEF WELCH: Hi, how are you this morning?
6	MR. VALDEZ: I am well. Thank you.
7	We are currently in a court-reported
8	interview of Deputy Chief McNaughton. His
9	counsel Thomas Pleines, and Assistant Inspector
10	General Sarah Ansari are also here.
11	The OIG having provided appropriate
12	notice to Deputy Chief McNaughton is attempting
13	to ask questions of him regarding the Laquan
14	McDonald shooting, and he has refused to answer
15	questions about the shooting absent a command
16	from a superior officer.
17	So I am asking you, Chief Welch, can
18	you order Deputy Chief McNaughton to answer the
19	questions?
20	CHIEF WELCH: Okay. This is Chief Eddie
21	Welch, W-e-l-c-h, of the Chicago Police
22	Department, Bureau of Internal Affairs.
23	Deputy Chief David McNaughton, I am

giving you the direct order to answer all the

1 questions posed to you today by the Office of 2 the Inspector General of the City of Chicago. 3 DEPUTY CHIEF McNAUGHTON: Understood. Thank you, Chief Welch. 4 CHIEF WELCH: Okay. 5 MR. VALDEZ: Thank you very much. 6 7 DEPUTY CHIEF McNAUGHTON: Thank you, sir. 8 CHIEF WELCH: Bye. 9 BY MR. VALDEZ: 10 Q. So what I am going to do now is mark 11 some service exhibits. 12 Now, these were the items that were given to you -- served to you earlier, and we 13 will just go through each one of them 14 15 one-by-one, okay? 16 Α. Okay. 17 Deputy Chief McNaughton, this is what 18 we will label as Exhibit 2. It is called a 19 Notification of Interview. 20 Have you seen this document before? I have. 21 Α. Did Bureau of Internal Affairs 22 Q. provide you with this document on or about 23 24 May 16th?

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1	A. They did.
2	MS. ANSARI: We will enter that into
3	evidence as Exhibit 2.
4	(Whereupon, document so offered
5	was received in evidence as
6	McNaughton Exhibit No. 2.)
7	BY MR. VALDEZ:
8	Q. The next document we are going to
9	show to you is called the Notification of
10	Allegations.
11	Have you seen this document before?
12	A. I have.
13	Q. Did Bureau of Internal Affairs
14	provide you this document on or about May 16?
15	A. They did.
16	MR. VALDEZ: We will enter this as
17	Exhibit 3.
18	(Whereupon, document so offered
19	was received in evidence as
20	McNaughton Exhibit No. 3.)
21	BY MR. VALDEZ:
22	Q. The next document is the Receipt
23	Form.
24	Deputy Chief McNaughton, have you

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1	seen this document before?
2	A. I have.
3	Q. Did Bureau of Internal Affairs
4	provide you this document on or about May 16th?
5	A. They did.
6	MR. VALDEZ: We will enter this as
7	Exhibit 4.
8	(Whereupon, document so offered
9	was received in evidence as
10	McNaughton Exhibit No. 4.)
11	BY MR. VALDEZ:
12	Q. The next document is officer Jason
13	Van Dyke's October 20th, Tactical Response
14	Report for RD HX475653.
15	Deputy Chief McNaughton, have you
16	seen this document before?
17	A. I have.
18	Q. Did the Bureau of Internal Affairs
19	provide you with this document on or about
20	May 16?
21	A. They did.
22	MR. VALDEZ: We will enter this document as
23	Exhibit 5.
24	

1	(Whereupon, document so offered
2	was received in evidence as
3	McNaughton Exhibit No. 5.)
4	BY MR. VALDEZ:
5	Q. The next document is Van Dyke's
6	October 20th, Officer Battery Report for RD
7	HX475653.
8	Deputy Chief McNaughton, have you
9	seen this document before?
10	A. I have.
11	Q. Did the Bureau of Internal Affairs
12	provide you with this document on or about
13	May 16th?
14	A. They did.
15	MR. VALDEZ: This document we will enter as
16	Exhibit 6.
17	(Whereupon, document so offered
18	was received in evidence as
19	McNaughton Exhibit No. 6.)
20	BY MR. VALDEZ:
21	Q. The next document, Officer Joseph
22	Walsh, October 20, 2014, Tactical Response
23	Report for RD HX475653.
24	Deputy Chief McNaughton, have you

Page 16

1	seen this document before?
2	A. I have.
3	Q. Did Bureau of Internal Affairs
4	provide you with this document on or about
5	May 16th?
6	A. They did.
7	MR. VALDEZ: We will enter this as
8	Exhibit 7.
9	(Whereupon, document so offered
LO	was received in evidence as
L1	McNaughton Exhibit No. 7.)
L2	BY MR. VALDEZ:
L3	Q. The next document is Officer Walsh's
L 4	October 20, 2014, Officer Battery Report for
L5	RD HX475653.
L6	Deputy Chief McNaughton, have you
L7	seen this document before?
L8	A. I have.
L9	Q. Did Bureau of Internal Affairs
20	provide you with this document on or about
21	May 16?
22	A. They did.
23	MR. VALDEZ: We will enter this as
24	Exhibit 8.

1	(Whereupon, document so offered
2	was received in evidence as
3	McNaughton Exhibit No. 8.)
4	BY MR. VALDEZ:
5	Q. The next document is Officer Thomas
6	Gaffney's October 20, 2014 Officer Battery
7	Report for RD HX475653.
8	Deputy Chief McNaughton, have you
9	seen this document before?
LO	A. I have.
L1	Q. Did Bureau of Internal Affairs
L2	provide you with this document on or about
L3	May 16?
L4	A. They did.
L5	MR. VALDEZ: We will enter this as
L6	Exhibit 9.
L7	(Whereupon, document so offered
L8	was received in evidence as
L9	McNaughton Exhibit No. 9.)
20	BY MR. VALDEZ:
21	Q. The next document is Exhibit 10, an
22	October 21, 2014 e-mail exchange between Chicago
23	Police Department Office of News Affairs and
24	yourself.

1	Deputy Chief McNaughton, have you
2	seen this document before?
3	A. I have.
4	Q. Did Bureau of Internal Affairs
5	provide you with this document on or about
6	May 16?
7	A. They did.
8	Q. Thank you.
9	MR. VALDEZ: We will enter this as
10	Exhibit 10.
11	(Whereupon, document so offered
12	was received in evidence as
13	McNaughton Exhibit No. 10.)
14	BY MR. VALDEZ:
15	Q. Deputy Chief McNaughton, in order to
16	prepare for today's interview, did you review
17	the materials that we provided?
18	A. I did.
19	Q. And those materials also included
20	video from in-car video systems of vehicles 813
21	Robert, 845 Robert, and a Dunkin' Donuts
22	security camera; is that correct?
23	A. That is correct.
24	MR. PLEINES: I am going to state for the

1 record that the disk that was tendered, we were 2 unable to open what purported to be and what 3 your office represented to be the dash cam video that has commonly been seen. I don't know if it is on there or not, but we couldn't open it. 6 MR. VALDEZ: Okay. So the one that we are 7 referring to, do you know which vehicle number 8 9 you were unable to open? 10 MR. PLEINES: No. MR. VALDEZ: Did you see any videos that 11 were on that CD? 12 MR. PLEINES: We saw what is being referred 13 to as the Dunkin' Donuts video. MR. VALDEZ: So of the three, we saw the 15 one Dunkin' Donuts video? 16 17 MR. PLEINES: Correct. THE WITNESS: Right. Can I have a moment 18 with him? 19 20 MR. VALDEZ: Sure. The time is 9:11, and we will go off the record. 21 (Short break in proceedings.) 22

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MR. VALDEZ: The time is now 9:13, and we

are back on the record.

23

24

1	MR. PLEINES: I want to clarify the
2	statement that I made about the videos that were
3	on the disk that was tendered.
4	My client was able to open the
5	videos. As I reported to your office, I could
6	not open all of them.
7	Additionally, your office represented
8	that the files on the disks that are marked
9	audio, that there is no actual audio.
LO	MR. VALDEZ: Noted, Counsel. Thank you.
L1	BY MR. VALDEZ:
L2	Q. So Deputy Chief McNaughton, just to
L3	make it clear for the record, you were able to
	make it clear for the record, you were able to view in-car video from vehicles 813 Robert,
L 4	
L4 L5	view in-car video from vehicles 813 Robert,
L 4 L 5	view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video?
L4 L5 L6	view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe
L 4 L 5 L6 L7	view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe 813 Robert, and the Dunkin' Donuts video I did
L4 L5 L6 L7 L8	<pre>view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe 813 Robert, and the Dunkin' Donuts video I did view.</pre>
13 14 15 16 17 18 19	<pre>view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe 813 Robert, and the Dunkin' Donuts video I did view. Q. Since receiving your Notice of</pre>
L4 L5 L6 L7 L8	view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe 813 Robert, and the Dunkin' Donuts video I did view. Q. Since receiving your Notice of Interview, did you review any other materials in
14 15 16 17 18 19 20	view in-car video from vehicles 813 Robert, 845 Robert, and the Dunkin' Donuts video? A. Yes, I opened up the one, I believe 813 Robert, and the Dunkin' Donuts video I did view. Q. Since receiving your Notice of Interview, did you review any other materials in connection with this case?

1	MR. VALDEZ: Other than the exhibits
2	marked, correct.
3	THE WITNESS: No, I did not, that I can
4	recall.
5	BY MR. VALDEZ:
6	Q. Aside from your attorney, did you
7	speak with anybody else in preparation for this
8	interview?
9	A. My wife, yeah.
LO	Q. Okay.
L1	A. I informed others I was going here,
L2	but I didn't prepare with them
L3	MR. PLEINES: You didn't discuss the facts
L4	of what occurred?
L5	THE WITNESS: No.
L6	BY MR. VALDEZ:
L7	Q. Understood.
L8	And Deputy Chief McNaughton, before
L9	we get started with the substance of the
20	interview, are there any statements that you
21	would like to put on the record?
22	A. Yes.
23	MR. PLEINES: Read it slowly and clearly.
24	THE WITNESS: I want to preface this

1	statement by saying that I am not giving this
2	statement voluntarily but under duress.
3	I am giving this statement because I
4	have been advised both orally and in writing
5	that I must give a statement or I will be
6	separated from the Department if I refuse the
7	direct order I have received.
8	In addition, on the advice of
9	counsel, I want to object to the delay in this
LO	investigation.
L1	This incident occurred almost
L2	18 months ago. The delay in this investigation
L3	is prejudicial to my ability to recall the
L4	details of this incident so that I can defend
L5	myself.
L6	BY MR. VALDEZ:
L7	Q. Thank you, sir.
L8	MR. VALDEZ: And Counsel, just to confirm,
L9	would it be okay to get this transcript to you
20	next week given the holiday weekend coming up?
21	MR. PLEINES: That would be fine.
22	BY MR. VALDEZ:
23	Q. Deputy Chief McNaughton, what's your
24	star number, sir?

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1	A. 120.
2	Q. And your unit of assignment?
3	A. 115.
4	Q. And that unit of assignment, was it
5	the same on October 20, 2014?
6	A. It was not.
7	Q. What was the unit of assignment then?
8	A. I was in Unit 211 on that date.
9	Q. And what watch were you on then, sir?
10	A. I am assigned as a deputy chief, so
11	we work all the time, so we will say second
12	watch for the record, but I am available
13	24 hours, 7 days a week.
14	Q. Understood. And on October 20th,
15	what was your chain of command? October 20,
16	2014, what was your chain of command?
17	A. My chain of command was the Deputy
18	Chief strike that.
19	The Chief of Patrol, Wayne Gulliford,
20	and if he was off, his executive officer Eddie
21	Johnson, who was then the chain after that is
22	the First Deputy Alfonso Wysinger, and then the
23	superintendent, Gary McCarthy.
24	

1	BY MS. ANSARI:
2	Q. On October 20, 2014, what was your
3	title?
4	A. Deputy Chief of Patrol.
5	Q. Okay. So it was Deputy Chief. Okay.
6	A. Yes.
7	BY MR. VALDEZ:
8	Q. And at that time, you were the
9	commander of Area Central?
10	A. I was the Deputy Chief of Area
11	Central, that is correct.
12	Q. And in the course of your duties, are
13	you issued like a CPD cell phone, or do you guys
14	use your personal cell phone?
15	A. I use the phone given to me by the
16	Department, yes.
17	Q. Okay. And what's the phone number of
18	that one, sir?
19	A. (312) 285-4051.
20	Q. And your personal cell phone, do you
21	also use that for business on occasion?
22	A. I don't use a personal cell phone.
23	Q. Okay. And that cell phone number,
24	the (312) 285-4051, that was the same on

1	October 20th?
2	A. It was.
3	Q. I want to get into what happened the
4	night of October 20, 2014, and we will start
5	with how you received the call?
6	A. Okay.
7	Q. So if you could just walk me through
8	how that happened.
9	A. Okay.
LO	BY MS. ANSARI:
L1	Q. As best as you can recall.
L2	A. I was in bed. I had worked a full
L3	day, more than a full day. I was on the detail
L4	escorting the motorcade detail escorting
L5	President Barack Obama that entire day.
L6	I was not scheduled to be the OCIC on
L7	the night of the 20th. I came home late after
L8	the conclusion of the detail with the President.
L9	I had something to eat, and I went to bed a
20	little early because I worked the day prior as
21	well and had little sleep.
22	I got a call from Operations Command
23	or CPIC that the shooting had occurred, which is
24	not unusual.

They would call the deputy chief of 1 2 the area that this occurred. I was notified. 3 And they also told me I am the OCIC to handle the shooting, and I told them I am not; that another exempt member was reassigned to take 5 that duty, and that I would not be coming out. 6 MR. PLEINES: For purposes of clarity, 7 could you tell the court reporter what OCIC 8 9 stands for. 10 THE WITNESS: The On-Call Incident Commander. 11 I told them I would not be coming 12 out. I tried to go back to bed. A second call 13 14 came out again from the same CPIC saying, hey, you got to go. You are, you know, the other 15 commander that was so -- that you thought was 16 17 assigned is not assigned or he doesn't think he 18 is assigned, you will have to go. I said -- I told them no again. 19 20 Third call came, and this was from Deputy Chief Eddie Johnson at the time who was 21 serving as the Chief of Patrol when the Chief of 22 Patrol was out, he is the executive officer. He 23 2.4 assumes command.

24

1	He told me that there was some type
2	of mix-up and that I would have to go attend to
3	this. So I did.
4	So there was a considerable amount of
5	time that occurred between the first call and
6	the last call that I got from Eddie Johnson. I
7	can't tell you how much time that was.
8	BY MR. VALDEZ:
9	Q. Right. Do you recall at least the
10	time of the first CPIC call, approximately?
11	A. I really don't. I mean, yeah, it
12	would probably I don't know.
13	Q. Okay. And do you recall what time
14	you arrived on the scene?
15	A. I don't.
16	
10	Q. Do you live near the scene?
17	Q. Do you live near the scene? A. I don't. I live on the northwest
17	A. I don't. I live on the northwest
17 18	A. I don't. I live on the northwest side of the city and, of course, the scene was
17 18 19	A. I don't. I live on the northwest side of the city and, of course, the scene was on the southwest side of the city.
17 18 19 20	A. I don't. I live on the northwest side of the city and, of course, the scene was on the southwest side of the city. There was minimal traffic, so I don't
17 18 19 20 21	A. I don't. I live on the northwest side of the city and, of course, the scene was on the southwest side of the city. There was minimal traffic, so I don't think that there was any great delay other than

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Q. If you needed to estimate how much

1	time between the first CPIC call and to when you
2	arrived on the scene, would you be able to do
3	so?
4	A. It would be a wild guess.
5	MR. PLEINES: I am advising you not to
6	guess.
7	THE WITNESS: I just don't know.
8	BY MR. VALDEZ:
9	Q. Fair enough. Now, when you arrived
10	to the scene, you are coming from the north
11	side, so do you park on the north side of the
12	scene?
13	A. I do.
14	Q. Do you recall which side of the curb
15	you park on or approximately where you are at?
16	A. I do. I was on the west curb line.
17	Q. West curb line?
18	A. Yeah, yeah.
19	Q. Are you around
20	A. Strike that. I was on the east curb
21	line.
22	Q. Okay. East curb line, north side of
23	the crime scene?
24	A. North of the crime scene, yes.

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1	Q. At that point, you get out of your
2	vehicle?
3	A. Uh-huh.
4	Q. And what's the first thing that
5	happens when that when you get out of your
6	vehicle?
7	A. I observed the scene, how big it is;
8	that there is a lot of crime scene tape and a
9	lot of police officers present.
10	Q. And was Laquan McDonald still on the
11	scene?
12	A. He was not.
13	Q. And when you get there as an OCIC,
14	what is kind of the assessment that takes place?
15	Are there certain people that come up
16	to you, do you go up to certain people, how does
17	that work?
18	MS. ANSARI: Let's start with maybe what
19	happened that night and then
20	MR. VALDEZ: Sure, sure.
21	BY MR. VALDEZ:
22	Q. This will be specific to that night.
23	So did you go up to anybody, does anybody come
24	up to you in terms of the assessment of the

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1	scene?
2	A. Right. It has been such a long time
3	that I can't remember exactly who I talked to
4	right at the beginning, okay? I would have to
5	guess.
6	I would there is going to be
7	Commander O'Donnell, I believe, and Captain
8	Walsh on the scene, and I believe I went up to
9	either one of them, I can't recall which one,
10	and just basically got the facts of what was
11	going on.
12	I may have received a phone call or
13	called O'Donnell prior to getting to the scene
14	to get some of that information, but again, I
15	can't be specific if I did or I didn't.
16	So that would be my first course of
17	action to get a grasp for what was going on.
18	Who gave that to me and gave me a run
19	down on what was happening, I simply can't
20	recall.
21	Q. And Commander O'Donnell, what is he
22	the commander over?
23	A. Commander of the 8th District.
24	Q. And is he Patrol section or is that

1	both Patrol and
2	A. Patrol.
3	Q. And Captain Walsh?
4	A. Captain Walsh, he would be called as
5	executive officer, so he was definitely on
6	scene.
7	I can't even remember if I can't
8	remember the status of O'Donnell, if he was
9	there or not, but I imagine that's who I would
10	have talked to. That would have been the right
11	protocol.
12	Q. Would it help your recollection in
13	recalling who these people were if I gave you a
13 14	recalling who these people were if I gave you a copy of a case supp, a case supplementary?
14	copy of a case supp, a case supplementary?
14 15	copy of a case supp, a case supplementary? A. It would.
14 15 16	Copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am
14 15 16 17	copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am show you a copy of Case Supplementary Report
14 15 16 17 18	copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am show you a copy of Case Supplementary Report HX 475653, and this is dated October 20, 2014,
14 15 16 17 18	copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am show you a copy of Case Supplementary Report HX 475653, and this is dated October 20, 2014, at 21:57 hours, and I will give you a few
14 15 16 17 18 19	Copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am show you a copy of Case Supplementary Report HX 475653, and this is dated October 20, 2014, at 21:57 hours, and I will give you a few minutes to go through that.
14 15 16 17 18 19 20 21	Copy of a case supp, a case supplementary? A. It would. Q. Okay. So what we will do now is I am show you a copy of Case Supplementary Report HX 475653, and this is dated October 20, 2014, at 21:57 hours, and I will give you a few minutes to go through that. I believe Page 17 is where it will

1 ever seen this document. 2 Q. Yes, sir. 3 Α. The only documents that I am aware of were the ones that I worked on that night. 5 Q. Okay. I have never seen a subsequent 6 document, although I know that they have been 7 published, I understand, in the press. 8 9 I knew that I had a role in this, and 10 I didn't want to taint any future type of role I may have by looking at this document, so this 11 will be the first time I am looking at this. 12 Sure. Time as much time as you need. 13 ο. MR. PLEINES: And I would like to state for 14 the record that contrary to counsel's 15 16 characterization of the witness' testimony, he 17 is not reviewing this document because he 18 doesn't remember who O'Donnell or Walsh are. 19 His testimony is he didn't remember 20 who he spoke to first or if he spoke to both of 21 them. MR. VALDEZ: Correct. 22 MS. ANSARI: And there is a lot of 23 24 substantive information in this document, but

what we are really using it for is to refresh
your recollection of who was on the scene, which
was on Page 17.
THE WITNESS: Okay. Well, let me go to
Page 17.
He was on the scene, okay.
MR. PLEINES: Make sure you review it
carefully.
THE WITNESS: Okay.
MR. PLEINES: Can I ask for a
clarification? What is your pending question?
MR. VALDEZ: My line of questioning is
going to go into what happened that night, and I
believe this will help Deputy Chief McNaughton
refresh his recollection as to who was there,
because we will get into some questions
regarding detectives on the scene, et cetera,
et cetera.
MR. PLEINES: Right. That's what I am
getting at.
Are you asking him who was there upon
his arrival, or who was there at some point
during the evening?
MR. VALDEZ: Right now we are at the point

1 of the arrival. 2 BY MR. VALDEZ: 3 0. So as you arrived on the scene, you mentioned that Commander O'Donnell and Captain 4 Walsh were there and may have apprised you of 5 the situation. You can't recall specifics, I 6 7 understand. BY MS. ANSARI: 8 9 Q. Is that correct? 10 That is correct. BY MR. VALDEZ: 11 And before we get any further, I just 12 Q. want to make sure we enter this as Exhibit 11, 13 and if you need to reference any of these 14 documents, just let me know and we can grab 15 16 those. (Whereupon, document so offered 17 was received in evidence as 18 McNaughton Exhibit No. 11.) 19 20 THE WITNESS: I just do want to mention that I only viewed Page 17 for the names that 21 were there. 22 I didn't -- I did not review that 23 24 entire document.

Page 35

1 BY MR. VALDEZ: 2 Q. Noted. 3 Α. All right. Now, other than Commander O'Donnell and Captain Walsh, was there anybody else that 5 you spoke with upon arriving on the scene? 6 I just can't remember. I am sure 7 there was. My recollection is cloudy because of 8

all the things that have transpired since that time that I have had to handle, and so I think they were out by the what would be by the scene of where the shooting actually occurred, and I think one of the first things I did was find out who the shooting officer was and just introduced myself to that officer, not asking him any questions, but introduced him, jus gave him what my role was going to be; that I was going to ask him some questions, et cetera, and then I think I proceeded to what would be the north portion of the crime scene, and Sergeant Becvar was already on scene, and I believe IPRA was already on scene as well.

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Okay. So Sergeant Becvar, correct me Q. if I am mistaken, but he is the in-car camera

IN RE DEPUTY CHIEF DAVID MCNAUGHTON

	technician; correct?
:	A. He is the technician that helps us
	with in-car camera on the scene so we can review
:	it and retrieve it.

- Q. Now, in terms of personnel that are assigned on the scene, did you tell people what to do? Did you assign tasks, so to speak?
- A. No, because I was so late in arriving, and it is not the normal role of the OCIC to do those tasks. Patrol handles the crime scene to make sure it is protected.

The detectives start investigating and interviewing people, and IPRA is on scene to start their investigation, and then forensic services will come in to collect the evidence.

Everyone has specific roles in what they should do, and unless there is an issue with them not doing it, I let the natural course of events occur.

- Q. Okay. And what are the duties of the OCIC?
- A. The OCIC on a shooting is to make sure -- again, let's go through that the crime scene is protected, so when I got there it

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1
     looked like we had crime scene tape and things
     marked off well, so the patrol is doing their
 2
 3
     job; that the officer involved that his weapon
     is secure, either on his person or a trunk of a
     car. That's one of the main things that we want
 5
     to make sure of right away.
 6
                We want to make sure that the
 7
     detectives are on scene and actively doing their
 8
 9
     job. We can check the box on that, they were
10
     doing that.
                We want to make sure proper
11
     notifications were made right from the
12
     beginning, which they were, obviously, because I
13
     got notified, IPRA was on scene, and that any
14
     type of services beyond what would be normally
15
    needed for a scene, I would be able to call out.
16
17
     So if we needed a light truck, let's say,
     because we needed additional lighting, or any
18
     type of specialty-type vehicle, I could request
19
20
     that.
                If everyone is doing their job -
21
     detectives, IPRA, patrol, things are
22
     progressing, I get a basic account of what goes
23
2.4
     on.
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1 I do what is a walk through with the 2 detectives to get a full account of what's 3 happening, the facts that I know at that time. I do a walk through with the officer involved, which is a one-on-one interview, and 5 then I make sure that IPRA gets a walk through 6 of the scene and access to the entire scene. 7 The OCIC usually at that point would 8 9 direct the investigation back into the area 10 center, which is Area Central at this time, and then make sure that the weapon is retrieved by 11 Forensic Service Division in my presence, and 12 that the chemical testings for the officer, the 13 breathalyzer and the urine sample is given, and 14 then the final thing is to make sure at that 15 time, it is no longer I don't think, but a News 16 17 Affairs statement is put out, and the I will say the -- that the TRR's and the Officer's Battery 18 Report are completed, and I review and get them 19 20 done. Beyond that, there is another role. 21 I return all my documents. I make sure that 22 they are properly completed and sent in, and 23 then I do a briefing for the superintendent a 24

1	day later that encapsulates the entire gives
2	a summation and presentation of the entire
3	incident, and to my knowledge, all those things
4	were done.
5	Q. On that night, October 20th?
6	A. October 20th, 21st, and then the
7	superintendent's briefing was on the 22nd.
8	Q. Got it. To your recollection, did
9	you need to request any specialty vehicles or
10	anything that evening?
11	A. I don't believe we did.
12	Q. Okay. And it sounds like for the
13	most part, the command staff of the various
14	areas - patrol, the detectives division, that
15	they know their role upon arriving to the scene?
16	So it is not a situation where you
17	are necessarily telling them step-by-step what
18	they need to do?
19	A. That is correct.
20	Q. Are you given any instructions as to
21	the nature or scope of controlling the scene
22	that night?
23	MR. PLEINES: Do you understand the

question?

1 THE WITNESS: I don't understand the question. Give it to me again, please. 2 3 BY MR. VALDEZ: So that night, October 20th, did 4 anybody give you any specific instruction or 5 direction as to specific duties in terms of 6 controlling the scene, an OCIC role? 7 Α. Did I receive an instruction about 8 9 the crime scene? 10 Q. Correct. Any direction from anybody in terms of getting the crime scene controlled 11 12 or any specific direction? I don't recall, no. 13 Α. Okay. And did you give any 14 O. instruction or direction to any staff? 15 About the crime scene itself? 16 Α. 17 0. Correct. I don't recall, no. 18 Α. 19 And now you said you walked to the Q. 20 shooting officer who we know now is Jason Van Dyke? 21 That is correct. 22 Α. The first time you approached him, 23 Q. 24 there was no substantive conversation, it was

1	just an introduction?
2	A. Yes.
3	Q. And then also you mentioned the role
4	of an OCIC is to ensure that the firearm is
5	secured; correct?
6	A. That is correct.
7	Q. So is that also kind of the purpose
8	of going to the shooting officer right away,
9	just to make sure those boxes are checked?
10	A. It is one of the first things you
11	want to find out to make sure, yes.
12	Q. Okay. In terms of that initial
13	conversation with Officer Van Dyke, did anything
14	else did you guys talk about anything else?
15	A. No. I can't remember the I can't
16	remember the conversation, so I won't get into
17	any detail, because I just don't remember.
18	It is more of a reassuring, hey, I am
19	here, this is what's going to happen type of
20	
	conversation; ask him if he has any personal
21	conversation; ask him if he has any personal needs that he has to attend to to make sure he
21	
	needs that he has to attend to to make sure he

1	Q. Definitely. Okay.
2	Do you recall speaking with any Cook
3	County officers on the scene?
4	A. No.
5	Q. Do you recall seeing any Cook County
6	officers?
7	A. I do not.
8	Q. Do you speak with any other excuse
9	me.
10	Did you speak with any other CPD
11	officers upon arriving to the scene?
12	A. I am sure I did. It may be as
13	something as hello, how are you, but I am sure I
14	talked to many officers, but I can't remember
15	which one and where specifically.
16	Q. Do you recall any substantive
17	conversations with any of the CPD officers
18	officers involved in the incident?
19	MR. PLEINES: What do you mean by
20	"substantive conversations"?
21	BY MR. VALDEZ:
22	Q. Anything relating to the shooting.
23	Do you have to interview them

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1	don't	know	if	you	war	nt to	go	in	chi	conol	Logical
2	order	. I (can	get	to	that	poi	int	if	you	want.

- Q. Yeah, I think this is a good time to.
- A. Or do you want me to go where I went next and what I did?
 - Q. I tell you what. Let's go to where you go next, and then we will take it chronologically.

This way, if we get out of order, you can let me know.

- A. It just may help with my memory, if I am correct with my chronological order.
- Q. We will get it to the best of your ability.
- A. I believe one of the first things
 that I did was I saw -- I observed Lance Becvar
 in one of the vehicles retrieving video, and I
 was informed either by him or someone else that
 they did have video of the incident, and I did
 go to that vehicle, I believe that's 813 Robert,
 the -- and I did view the video that was
 presented by Lance Becvar.
- Now, I don't know if it was on the in-car camera screen in the, you know, the

1 police car or on his laptop. I am not sure. I think for some reason it was on a 2 3 laptop device that was on the dashboard if I can remember correctly, so I did see the video at that point. 5 Upon seeing the video, what were your Q. 6 initial reactions? 7 Well, my initial reaction was, oh, my 8 9 God, you know, this is, you know, something to 10 see, but I looked at it several times from the perspective of a police officer, and there were 11 some very troubling things on that video that 12 need to be notated and are not being notated in 13 the popular culture right now. Can I elaborate? 14 15 Please. Q. Okay. I didn't know if you wanted me 16 17 to go a long time here with this. That video shows an offender running 18 through the Burger King parking lot, okay? And 19 20 he is running at a good clip because police officers are running after him. 21 When he gets to what I believe is the 22 intersection of 41st and Pulaski, he slows down 23

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and he almost -- and he is walking now, and he

24

1	almost comes up to a complete stop, and in front
2	of him, he is facing southbound, and in front of
3	him, his view, are two police cars. One that
4	just passed him and is parking at him, that's
5	Van Dyke and Walsh, and another vehicle that's
6	facing him, and I don't even know who the
7	officers are in that vehicle, I don't know their
8	beat number, but he is right in the middle of
9	the intersection observing those two things.
10	The point that really gets to me as
11	far as a police officer, and it would for any
12	police officer, is he stops, he hitches up his
13	pants, and with his right hand presents the
14	knife in a swinging motion, not trying to
15	conceal it, throw it away, which where I come
16	from in my personal knowledge of just being a
17	human being, not alone a police officer, that's
18	an aggressive act.
19	It is one that I would consider to be
20	an assailant at that point.
21	If I am going to confront this guy,
22	this guy is telling me, he is going to fight.
23	Also, I noticed that Walsh and
24	Van Dyke's vehicle have pulled several feet

1 ahead, and now the offender, or excuse me, 2 Mr. McDonald, is moving forward in such a 3 fashion. He is kind of veering to the right, but he continues to move the knife. He doesn't conceal it or surrender it or discard it, and the officers are getting out 6 of their vehicle. They are hand motioning, 7 which would give me an indication that they are 8 9 telling him, hey stop, get back, get down on the 10 ground, normal police commands, drop the knife, and he continues his motions to where he gets 11 close enough to Van Dyke where he makes a motion 12 with what looks like his right hand that is 13 obscured by the video itself when it appears 14 that Van Dyke does fire upon him. 15 I did see it several times, and my 16 17 impression was that, you know, this guy was an aggressor, and if I was the police officers on 18 the scene at that time, would it be reasonable 19 20 for me to believe that I was in fear of my life, and to me, that tape, before I even talked to 21 them, was something that confirmed that initial 22 thought. 23 2.4 So those were my initial thoughts,

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1	but I didn't want to get ahead of myself. This
2	was only one piece of evidence. There was a lot
3	of things that we had to do.
4	I then asked the investigators on the
5	scene, I think Lieutenant Wojcik was there,
6	Lieutenant Ozzie Valdez was there, and I don't
7	know which one I asked, but I would have asked
8	one of them to get me the detective that's in
9	charge of this, and I want to get a walk-through
10	from him, from that detective, to make sure that
11	what do I know, what am I missing here, what's
12	going on?
13	I already had a basic narrative, but
	I already had a basic narrative, but I want to make sure I got, you know, a cleaner
14	-
14 15	I want to make sure I got, you know, a cleaner
14 15 16	I want to make sure I got, you know, a cleaner picture, and that's what I normally do.
14 15 16 17	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no
14 15 16 17	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no set class on OCIC, which I think is a problem
14 15 16 17 18	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no set class on OCIC, which I think is a problem that should be talked about, but what I do is I
13 14 15 16 17 18 19 20	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no set class on OCIC, which I think is a problem that should be talked about, but what I do is I have the detective involved, clean up any gaps
14 15 16 17 18 19	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no set class on OCIC, which I think is a problem that should be talked about, but what I do is I have the detective involved, clean up any gaps that I don't have right now, and they usually by
14 15 16 17 18 19 20	I want to make sure I got, you know, a cleaner picture, and that's what I normally do. I don't think there is really no set class on OCIC, which I think is a problem that should be talked about, but what I do is I have the detective involved, clean up any gaps that I don't have right now, and they usually by this time have enough information to walk me

1 from the beginning, from the radio call and 2 where this all came out, what you know at this 3 time. So we went back to the truck yard at 40th and Keeler, I think it is 40th and Keeler, 5 where the call came out that there was a man 6 breaking into vehicles. 7 Detective March told me that he had 8 9 learned from the officers involved that when 10 they got there, when the officers I think it was 815 Robert, when they were on scene, they were 11 directed by an individual that there was a man 12 armed with a knife; that he was walking 13 eastbound on 40th; that I don't know if he was 14 breaking into vehicles or what actions he was --15 16 what he was doing, but 815 Robert immediately 17 went to go and investigate, and they 18 subsequently found Laquan McDonald walking eastbound on 40th Street. 19 20 I believe it was Officer McElligott got out of the vehicle, noticed that he did have 21 the knife, and he followed him, McElligott with 22 his gun drawn following him at a good distance 23 2.4 behind on foot, and Officer Gaffney paralleling

When they get to 40th and Karlov,

Gaffney pulls in front of McDonald in the

intersection to try to, as they say, cut him off

at the pass, to stop his progress.

It is at that point that Laquan McDonald punctures the tire on the vehicle and attacks the windshield for lack of a better term in the vehicle that's occupied by Officer Gaffney.

MR. PLEINES: With what?

THE WITNESS: With his knife, the knife, with the knife. He punctures it with a knife, and I believe at that time, I don't know if it was Officer McElligott or Officer Gaffney had been on the radio asking for assist, and they even state that he punctured the tire.

Now it is a run. Now we have got a chase going on, a foot chase, and they are running eastbound on 40th that brings us through the Burger King parking lot, and I rode through and saw that, to the crime scene.

So we get out, park the car pretty much back at my old former position, and I get

1	out and I walk the crime scene. I walk the
2	distance to where I think McDonald has stopped
3	to where he is hit, and the one thing you will
4	notice, if you have done it yourself is that
5	people say he is walking away, that he is not
6	approaching them. That's just not the case.
7	If you are standing about 60 feet
8	away from where the parked vehicle is from Walsh
9	and Van Dyke, and they are pretty much a fixed
10	object, and McDonald is about ten feet away when
11	he is shot, he approached them. There is no
12	other way to describe it.
13	If you define approach as come near
14	to somebody, he came near to them. It wasn't
14 15	to somebody, he came near to them. It wasn't Van Dyke and Walsh that engaged him. It was
15	Van Dyke and Walsh that engaged him. It was
15 16	Van Dyke and Walsh that engaged him. It was McDonald that came up to them.
15 16 17	Van Dyke and Walsh that engaged him. It was McDonald that came up to them. I noticed the crime scene, I noticed
15 16 17 18	Van Dyke and Walsh that engaged him. It was McDonald that came up to them. I noticed the crime scene, I noticed the casings that were on the ground and then I
15 16 17 18	Van Dyke and Walsh that engaged him. It was McDonald that came up to them. I noticed the crime scene, I noticed the casings that were on the ground and then I saw the knife for the first time.
15 16 17 18 19	Van Dyke and Walsh that engaged him. It was McDonald that came up to them. I noticed the crime scene, I noticed the casings that were on the ground and then I saw the knife for the first time. I don't know why I didn't see it when
15 16 17 18 19 20	Van Dyke and Walsh that engaged him. It was McDonald that came up to them. I noticed the crime scene, I noticed the casings that were on the ground and then I saw the knife for the first time. I don't know why I didn't see it when I was doing it, but this is the time I saw the

1 and I don't know who it was, why is this so far 2 from -- I didn't notice in the video. 3 Because there is so many things you don't notice when you see a video even a couple 4 times. 5 BY MR. VALDEZ: 6 7 ο. Right. You can look at it 100 times probably 8 9 to see it correctly, was how far the knife was 10 kicked, which kind of indicates how much 11 adrenaline was pumping through these officers' 12 bodies at the time, because it was kicked a considerable distance away from Laquan McDonald, 13 out of his hand, but that knife could kill 14 15 somebody. I know it is characterized in 16 17 subsequent media reports as being, you know, so many inches. I can tell you. I don't know if 18 you have seen the knife yet, but that can 19 20 definitely, definitely do somebody some harm. At that point --21 MR. PLEINES: Finish your thought. 22 THE WITNESS: Let me just let finish my

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thought.

1 So that was my walk through with 2 March, okay? 3 Do you want me to continue as far as my chronological. 4 BY MR. VALDEZ: 5 What we could do is, because I wanted 6 7 to get back to the video. How many times did you see the video 8 with Becvar? 9 10 Α. I don't know. It was several. 11 Q. Several times? It was several times, and I believe 12 other people were, I want you to see it, too, 13 maybe detectives, detective sergeants at that 14 point. 15 I think Lieutenant Wojcik saw it as 16 well, Tony Wojcik saw it as well. Yeah, several 17 18 times. BY MS. ANSARI: 19 20 Q. The impressions you gave us, I just want to get this clear for the record, but the 21 impressions you gave us of the video, those were 22 23 the impressions you had at the time of viewing

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the video, not after the fact right now;

24

1	correct?
2	A. Right.
3	BY MR. VALDEZ:
4	Q. Do you recall I know the times are
5	going to be hazy, but I am going to ask this
6	kind of continually.
7	A. If I can go back to one thing about
8	that video that stood out in my mind.
9	Q. And this is at the time of
10	A. This is at the time that really I
11	think, you know, set my mindset, was the action
12	of McDonald hitching up his pants and throwing
13	that out there.
14	An offender that is running from the
15	police is fine, okay, we get that. That's
16	normal.
17	An offender that sees the police
18	ahead of him and stops and does that. That's
19	not normal. That would send the hairs up
20	anybody's neck that has to respond to that.
21	Most offenders that are armed try to
22	discard or conceal the weapon. He didn't do
23	either. He presented the weapon.

Again, that stood out in my mind.

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1	Those were the things that were standing out in
2	my mind.
3	Most either surrender or comply. He
4	did neither. He continued his approach to the
5	officers when he had a clear path.
6	If you look at the video, he had a
7	clear path to run on the right-hand side, and
8	knowing Laquan McDonald's size and stature and
9	age and Officer Van Dyke's and Walsh's size and
10	stature and age, I would venture to guess that
11	he would make good his escape if he just put the
12	knife down and took off.
13	He didn't do those things. It is
14	it has been categorized later, and one that I
15	strongly object to, is the fact that people say
16	that this is a normal thing that police
17	encounter. It is not.
18	When police encounter offenders, they
19	usually do certain actions. Mr. McDonald didn't
20	do those actions, and for that reason, it would

Twenty-five years of police

give a reasonable person to believe that they

would be in fear of their life if they were on

the ground there at that time.

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1 experience, I would have felt that way. I would have felt that way if I was on the ground. 2 3 0. We get to the video, you view it several times. At that point, upon viewing the 4 video, did you get any type of narrative from 5 anybody to kind of say, you know, these are the 6 officers involved, this is what happened, or was 7 it more you viewed the video, and then as things 8 9 kind of developed, you built that --10 Α. Yeah, you know, good question. I don't know who did what. Someone had to tell 11 me, because I wanted to talk to them. I don't 12 know who told me. 13 I know Van Dyke and Walsh were in the 14 one car. I think we had McElligott and Gaffney 15 16 come up. Their car was also on the scene as 17 well with the punctured tire and the markings on 18 the windshield. That was nearby the scene as well. 19 20

So at this point, I believe, I start doing my interviews with these officers. Who I interviewed and in what order, I can't remember, but I specifically know that I talked to them individually and separately.

1	They were not within earshot of
2	anyone. We walked off to the side, and I told
3	them each one of them when I talked to them,
4	I told them to give me a chronological account
5	of what happened, and they did, and none of them
6	told me something that would contradict the
7	facts that I knew at the time.
8	Q. Okay. And now this one-on-one
9	interview with the various members, does that
LO	happen prior to your walk through or before
L1	or after your walk through?
L2	A. It was prior to my walk through with
L3	IPRA, but after my walk through with Detective
L4	March.
L5	BY MS. ANSARI:
L6	Q. The walk through with Detective March
L7	happened, as far as you can recall, right after
L8	you viewed the video several times?
L9	A. Yes.
20	BY MR. VALDEZ:
21	Q. Do you recall what time it was at
22	that point that you had viewed video?
23	A. I was not looking at my watch. I
24	couldn't tell you.

1	Q. And I know that you said your
2	recollection is hazy, but that's going to be a
3	question that I will ask just to try and get a
4	timeline, so don't get annoyed by those
5	questions.
6	A. Sure. And again, I want to preface
7	everything here to let you know that these
8	this could have been done in different order.
9	It is just the best of my
LO	recollection right now.
L1	Q. Understood.
L2	A. Okay.
L3	Q. So you get in your vehicle with
L 4	Detective March?
L5	A. I already did that. We came back.
L6	Q. Was anybody else in the vehicle
L7	besides you and Detective March?
L8	A. No.
L9	Q. So you get back to the scene, you
20	park your vehicle, get out of the vehicle, and
21	at this point you believe you start interviewing
22	the various members?
23	A. I believe so, yes.
24	Q. Do you know what member you would

1	have started with? Is it logical to start with
2	the shooting member or
3	A. I just I just don't remember, you
4	know, I just cannot recall which one I talked to
5	first.
6	Q. Okay.
7	A. I am not going to even speculate.
8	BY MS. ANSARI:
9	Q. When you say you did interviews with
10	the involved officers, do you mean you
11	interviewed the officers who witnessed the
12	shooting; correct?
13	A. No. I think the only four officers I
14	talked to, to the best of my recollection, would
15	have been Van Dyke, Walsh, Gaffney, and
16	McElligott. That's the best of my recollection.
17	If I interviewed others, I just
18	simply can't recall, but I think those are the
19	ones that I talked to.
20	BY MR. VALDEZ:
21	Q. And you mentioned that you had talked
22	to each of these officers separately, you pulled
23	them to the side?
24	A. Right.

1	Q. No one else was present during these
2	conversations?
3	A. No.
4	Q. And you said that to the best of your
5	recollection, what they told you didn't differ
6	from the facts that you had known at that point?
7	A. No.
8	Q. Had you met any of those officers
9	prior to speaking with them that day?
LO	A. I was the Commander of the 8th
L1	District prior to this, and when I was on scene,
L2	I was wondering Van Dyke didn't seem, you
L3	know I think Van Dyke was transferred in
L4	after I was promoted and left the district.
L5	McElligott and Gaffney, you know,
L6	maybe to say hi, and Walsh, I do remember Walsh,
L7	and I don't know why, just, you know, going out
L8	on jobs and seeing him, but none of them I would
L9	say I knew well or anything like that.
20	Q. So no type of social relationship?
21	Strictly at work?
22	A. No, no, nothing like that, no.
23	Q. Okay. Now, you mentioned you had
24	spoke with Detective Valdez, Wojcik and also

1	March who was investigating the scene, the
2	incident, I should say?
3	A. Yeah, Wojcik and March, yes. I am
4	sure I talked to Lieutenant Valdez during on
5	the scene.
6	I just can't remember in what form or
7	fashion or how what the conversation was
8	about.
9	Q. Now, in terms of the OCIC and the
10	detective side of things, are they coming up to
11	you with developments that they are learning as
12	the night progresses?
13	A. If there is anything substantive,
14	yes, they would have definitely.
15	Q. Does anything stand out in your mind
16	the things they came and told you?
17	A. No, nothing does that I recall. Are
18	you talking about the whole night?
19	Q. Let's just say at the scene. We will
20	focus at the scene.
21	A. No, I can't recall.
22	Q. Do you recall if any of the
23	detectives consulted with you about where to go

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with their investigation at all, and this is

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1	again at the scene?
2	MR. PLEINES: When you say "consulted," do
3	you mean in a sense asking the Deputy Chief how
4	they are supposed to do their job?
5	MR. VALDEZ: In essence, yes.
6	THE WITNESS: No. It looked like everybody
7	was doing their job. I didn't get the sense
8	that I had to give anybody direction, nor was
9	anyone asking me for direction that I recall.
10	You know, I am sure we had
11	conversations about the scene, about, you know,
12	particulars, but I just I honestly can't
13	remember who I talked to and what the substance
14	of the conversation would be.
15	BY MR. VALDEZ:
16	Q. And in terms of updates about
17	developments on the scene again, you said I
18	know you said you can't recall much in terms of
19	specifics, but does anything stand out in your
20	mind in terms of being at the scene where you
21	would have learned a certain fact or any
22	additional information such as civilian
23	witnesses or CPD witnesses that people would
24	have made you aware of?

- 2 | already said.
- THE WITNESS: No, nothing that stood out
- 4 that was out of the ordinary, no.
- 5 BY MR. VALDEZ:

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- Q. And now, you said you had a walk through with IPRA as well; correct?
- 8 A. I did. After I talked to the 9 officers, I walked through the scene with IPRA.
- 10 Q. And who from IPRA?
 - A. I don't know their names. I believe there was four of them, or maybe more, but what I did is I offered and we did do the same thing that I did with March.
- I offered get in my car -- I got a

 Ford Fusion, so I think we could only fit four
- people. If there was five, they would have had
- 18 to sit on someone's lap in the back, and I
- 19 brought them right through the scene in
- 20 chronological order of what I knew at that time.
- 21 Q. But you don't know who was in the 22 vehicle that you did the walk through with?
- A. I know it was IPRA. I am sure we

24 exchanged who we were, but I could imagine if I

see you 18 months from now I am not going to

- 0. Understood.
- All those type of things.
- When IPRA arrives on the scene, I know -- they need to get access to the crime 6 7 scene; correct?
 - Α. Right.

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- Q. So how does that process work? How did it work that night?
- Α. You know, it has changed since that time, but basically, IPRA stays out on the periphery of the crime scene until the detectives are done with it or until I bring them in to do the walk through, and so when I got done with the one-on-one interviews with the officers involved, I then took IPRA through the scene in my car.

We first went to the -- and the same chronological account that I have just given you, I basically drove them through, had them look at the physical evidence on the scene.

There was one hitch in which one of the IPRA investigators informed me that members

1 from the Forensic Services Division started, I 2 think, picking up -- I think they were casings 3 they were picking up, and they told me. I said, all right, stop, you got to wait until the walk through. 5 That was about the only thing that 6 stood out in my mind that didn't go according to 7 Hoyle (phonetic) on the scene as far as, you 8 9 know, and when I told them, okay, we will stop 10 until you tell me to start again, and that was it. I believe, and I can't -- I can't 11 remember, but I think, and you can verify with 12 Becvar or the IPRA investigators, I believe I 13 showed them the video from the in-car camera 14 right on the scene prior to leaving, and they 15 may have seen it several times. 16 17 You have got to remember, when that video was being shown, you can only look inside 18 the vehicle, so it can only be really one or two 19 20 people can see it at the same time, because you only can stick, you know, two heads in a vehicle 21 at the same time, so I believe they did. 22 If not, they definitely were made 23 24 aware, to the best of my knowledge, that the

video?

1 video existed. 2 Okay. So you do the walk through 3 with IPRA. When you come back, you meet up with Becvar, at least you believe you meet up with 4 Becvar. Do you know what vehicle he is at? 5 It is the vehicle, I believe -- I 6 believe it is the vehicle that captured the 7 8 video. 9 Q. So 813 Robert? 10 Α. Right. 11 So he is still at 813 Robert with Q. 12 either his laptop or looking at the in-car video display? 13 14 I really can't remember to tell you the truth. He was going from car to car to car, 15 trying to retrieve anything. That's what he 16 17 does, and we got to make sure he does that, or if there is anything different or out there that 18 we need to see, we want it look at that, too. 19 20 0. But for some reason it stands out in your mind that either you went with IPRA and 21 22 showed them video multiple times, or you at 23 least made them aware of the existence of a

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1	A. Yes, that's what I think happened, to
2	the best of my knowledge, yeah.
3	Q. Anybody other than IPRA, did they see
4	the video as well? I know you mentioned some
5	names previously. Anybody that you can recall?
6	A. That I can't recall. There could be
7	several of the I don't know. It wouldn't be
8	surprising if other supervisors saw it, if some
9	other detectives saw it. I don't know who.
10	I know I saw it. I know Lieutenant
11	Wojcik saw it because I think he was with me
12	when I first saw it, and then, you know, I am
13	sure there were others, but I am not sure.
14	Q. Right. But it is pretty common to
15	say, I mean, for police-involved shootings, if
16	there is video involved, the command staff will
17	look at that video and see
18	A. I would think so, yes, yes.
19	Q. And with IPRA, did you have to give
20	IPRA a public safety statement? Do they get
21	those at that time?
22	BY MS. ANSARI: Is that a term of art that
23	is not
24	A. That might be a new procedure since

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this has all unfolded with IPRA, so I am not 1 aware of that statement. 2

3 I know that things at that time were evolving with IPRA and the FOP that every time 4 an OCIC would go out, there seemed to be a 5 different rule on how we would do things, but 6 that night, there was I don't think a public 7 safety statement. I don't think that there is. 8 9 BY MR. VALDEZ:

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Q. And in terms of just background for my own benefit, in terms of I guess we will call it flux between FOP, IPRA and the OCIC, you said there were some changes that happened around that time.

What's kind of the background for those changes? I mean, what types of changes are we talking about?

More of access to the officer as far as timing, and I don't know -- I think in this time, there was a rule that they would wait 24 hours at least to talk to the shooting officer.

- That's IPRA would wait? Q.
- 24 IPRA would wait 24 hours, and the

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witness officers would be within two hours of 1 2 the incident. 3 o. Okay. And that was new developments as of that time? 4 I don't know how new. No, I don't know. I don't want to get involved with -- I 6 7 can't remember. No, not a problem. I was just trying 8 **Q.** 9 to get some background. 10 Α. Yeah, I wish I could give it to you. MR. PLEINES: How are you doing? Do you 11 want to take a break? 12 THE WITNESS: I am okay. 13 BY MR. VALDEZ: 14 And now FOP reps, do you talk to any 15 Q. 16 of the FOP reps on the scene? Did you talk to 17 any FOP reps on the scene? I might have. I don't recall. I 18 know I am very cognizant that I don't want them 19 20 coming with me when I do my walk through. They will try to walk right in with 21 you on that, but I don't recall them -- I don't 22 even know which FOP reps were there. 23 2.4 I know there were several reps

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1	because I think there were several reps
2	there, but I don't recall I said hello to
3	them maybe. I don't know which ones they were
4	even.
5	Q. What's the reasoning behind for
6	trying to be separate from the FOP on the scene?
7	A. For me?
8	Q. Yeah.
9	A. Well, I don't want to be near anybody
L O	as far as when I am talking to the involved
L1	officers.
L2	I want to give them the ability to
L3	have that one-on-one conversation. That's kind
L4	of a sacristy-type thing.
L5	Q. You want a very unbiased statement
L6	from them; right?
L7	A. Right.
L8	Q. Do you know if you are the first
L9	person to talk to these officers, or at that
20	point have the detectives went and spoken with
21	these officers?
22	A. I am sure the detectives have talked
23	to them, their chain of command has talked to
24	them, but I am the one when I am going to do the

1	walk through, that I am going to talk to them,
2	yes.
3	Q. And anybody else that you can recall
4	that was on the scene other than IPRA, FOP, the
5	detectives, your patrol guys?
6	A. Not that I am aware of.
7	Q. Nothing stands out?
8	A. Nothing stands out unusual.
9	Q. Okay. On the scene, did any media
10	attempt to interview you at all or any other CPD
11	members?
12	A. Not to my knowledge.
13	Q. And generally speaking, how is that
14	handled? I know there is some shootings where
15	there is more media presence their others?
16	A. Right.
17	Q. Does the media on occasion try to
18	interview you or
19	A. That has evolved over time, and based
20	on superintendent's decisions. Years ago, we
21	had a police spokesman that would be on the
22	scene saying something, and then there was a
23	decision made later on that we don't make any
24	statements, that we refer them to the

1	Independent Police Review Authority, and then we
2	started doing statements by the OCIC, and now we
3	are doing a News Affairs, either the press
4	spokesman for News Affairs or the I have seen
5	now the Chief of Detectives giving statements,
6	so it has evolved over time on how that is going
7	on.
8	Now News Affairs shows up to police
9	shootings. They didn't show up to this police
10	shooting.
11	I know that one of the problems that
12	we had had over a period of time was with IPRA
13	being the people we were referring to, FOP was
14	making statements.
15	They were not official statements at
16	the Police Department. They were the statements
17	made by FOP, so that's that.
18	Q. And at that time, do you know what
19	procedures were in place in terms of the media
20	contact?
21	A. As far as that, I would refer them to
22	News Affairs, and then I would be in contact
23	with News Affairs from the scene.

Okay. And now anything else at the

24

Q.

1	scene that kind of stands out in your mind prior
2	to leaving?
3	A. I can't recall.
4	Q. Okay. And do you know what time
5	A. Oh, one thing that I did do, and I
6	don't know when I did it. I did go get a cup of
7	coffee at the Dunkin' Donuts, and I may have
8	seen the video of the Dunkin' Donuts on their
9	little screen in the office.
10	I am not sure if I saw there or if I
11	saw it back at the Area, but I believe I saw it
12	at the Dunkin' Donuts itself.
13	Q. So were there other CPD members of in
14	the Dunkin' Donuts at the time
15	A. There was a defective in there. I
16	don't know who it was working that scene or
17	working that aspect of it. I don't know his
18	name.
19	Q. Do you know of any civilian witnesses
20	or anything like that at that Dunkin' Donuts?
21	A. Oh, at the Dunkin' Donuts? Not that
22	I know of. I am sure the detectives asked, but
23	I didn't inquire if they saw anything.
24	O. Now, the detectives, did they ask you

1	at all about transporting witnesses or anything
2	like that from the scene?
3	A. That wouldn't be something that I
4	would do or get involved in. If they needed
5	somebody moved, they could either do it
6	themselves or ask patrol officers to take people
7	back to the area if they needed that.
8	Q. So in essence, are there any things
9	that need to be cleared through the OCIC in
10	terms of investigating at the scene?
11	A. As far as them doing their jobs and
12	proceeding?
13	Q. Correct.
14	A. No. The only thing that we ask is
15	Forensic Services to leave it intact until we
16	are done, as far as the walk through that they
17	would start collecting evidence.
18	Q. Do you recall what time you left the
19	scene?
20	A. I don't.
21	Q. Was it mid-scene or were things kind
22	of wrapping up at that point?
23	A. When we were really finished with the
24	business of what we had to attend to, that's

1	when I left. It was several hours I would say
2	that I was there.
3	Q. Okay. Do you know if the evidence
4	tech guys were done at that point?
5	A. Oh, no, I don't think so. And they
6	wouldn't be typical to be done because they had
7	to process the scene, the vehicle, the knife,
8	the casings. They had a lot of work to do.
9	Q. So you were at least there for
10	several hours, but not until the end, there were
11	still some things going on?
12	A. Yes.
13	Q. After you left the scene, where did
14	you go?
15	A. To Area Central, 51st and Wentworth.
16	
ا ``	Q. And did you transport yourself in
17	Q. And did you transport yourself in your own vehicle?
17	your own vehicle?
17 18	your own vehicle? A. I did.
17 18 19	your own vehicle? A. I did. MS. ANSARI: We are going to move on from
17 18 19 20 21	your own vehicle? A. I did. MS. ANSARI: We are going to move on from the scene?
17 18 19 20	your own vehicle? A. I did. MS. ANSARI: We are going to move on from the scene? MR. VALDEZ: Yes.

1	you.
2	MR. VALDEZ: We are going off the record at
3	10:05.
4	(Short break in proceedings.)
5	MS. ANSARI: Going back on the record. It
6	is 10:11 a.m.
7	BY MS. ANSARI:
8	Q. Deputy Chief McNaughton, I have a
9	couple follow-up questions related to your
10	experience at the scene.
11	Well, first, who is the OCIC who was
12	supposed to be on call that night.
13	A. Chris Fletcher.
14	Q. What happened why was he not able
15	to go out on this call?
16	A. He actually, to my knowledge, I was
17	told, he actually didn't think he was working
18	that night, and for whatever reason, he was
19	indisposed, couldn't go.
20	Q. So you said when you got to the
21	scene, one of the first things you did was make
22	an introduction to Officer Van Dyke; correct?
23	A. Yes.
24	Q. You said you don't recall any

1	specifics of that conversation, but do you have
2	any general recollection of him saying anything
3	to you about what happened in that initial
4	conversation?
5	A. No, no, I don't recall.
6	Q. Okay. And then you viewed the video
7	with Sergeant Becvar; correct?
8	A. I believe so, yes.
9	Q. And that was in Vehicle 813R?
LO	A. Correct.
L1	Q. You believe Lieutenant Wojcik viewed
L2	the video with you?
L3	A. I think he did at that time. That's
L4	the best of my recollection. I could be wrong
L5	on the timing; best of recollection.
L6	Q. Okay. And you said that you weren't
L7	sure if anyone else viewed the video, but you
L8	believe other command staff would have viewed
L9	the video and other detectives would have viewed
20	the video that night at the scene?
21	A. Yeah, I did say that. I really don't
22	know who did or didn't see it, so I don't want
23	to give you the mischaracterization.

Okay.

24

1	A. You know, that others didn't see it.
2	I wouldn't be surprised, okay, if
3	that was the fact.
4	Q. Okay. And then after you viewed the
5	video, Detective March walked you you did a
6	walk through with Detective March?
7	A. Right.
8	Q. At the time, did you see that he had
9	any notes?
10	Was he writing things down at the
11	time, or did you see any of his reports that he
12	was creating as he was conducting his
13	investigation? Not just during the walk
14	through, but the whole kind of night?
15	A. Right. No, I didn't notice him
16	writing anything down or taking notes when we
17	were talking.
18	If he had his clipboard, which is a
19	common thing, it wouldn't stand out, so if he
20	did, he did. If he didn't, he didn't, but
21	that's typical if you see a detective on a scene
22	to have a clipboard where they take notes.
23	Q. Okay. And on the walk through with
24	Detective March, he was the only person walking

1	you through the scene? There weren't other
2	detectives?
3	A. No, I just had one individual. I
4	don't need 20 people telling me things, you
5	know, what's going on.
6	Q. Did you have any conversation that
7	you recall about the shooting with any other
8	detectives?
9	A. I may have, yes. I mean, there were
LO	so many other personnel on the scene that, you
L1	know, I just don't know who.
L2	Q. But there is no other detective that
L3	stands out in terms of kind of leading the
	stands out in terms of kind of leading the investigation essentially?
L 4	_
L4 L5	investigation essentially?
L3 L4 L5 L6	investigation essentially? A. No.
L 4 L5 L 6	investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's
L4 L5 L6 L7	investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's and Lieutenant Valdez' roles on the scene?
L4 L5 L6 L7	<pre>investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's and Lieutenant Valdez' roles on the scene? A. They are the homicide, you know,</pre>
L4 L5 L6 L7 L8	<pre>investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's and Lieutenant Valdez' roles on the scene? A. They are the homicide, you know, detectives for Area Central, so they are leading</pre>
L4 L5 L6 L7 L8	<pre>investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's and Lieutenant Valdez' roles on the scene? A. They are the homicide, you know, detectives for Area Central, so they are leading the investigation from the detective side.</pre>
L4 L5 L6 L7 L8 L9	investigation essentially? A. No. Q. Okay. What were Lieutenant Wojcik's and Lieutenant Valdez' roles on the scene? A. They are the homicide, you know, detectives for Area Central, so they are leading the investigation from the detective side. Yeah, they are the leadership for the

24

1	other. You would have to ask their chain of
2	command.
3	They are co-rank, but I think they
4	work in tandem with each other. It is a big
5	enough scene with a lot of people to interview
6	and go through. There was plenty of work to do
7	for everybody.
8	Q. Got it. And just to clarify for the
9	record, you didn't have any involvement in the
10	detective reports that were created that night?
11	A. No, and that's not the role of the
12	OCIC. In fact, that's why I wanted to caution
13	you when you showed me that report. It is the
14	first detective supplementary that I have seen.
15	I purposely stay away from that.
16	Q. And after the March walk through
17	after Detective March walked you through the
18	scene, you said that you had the separate
19	conversations with at least Officers Gaffney,
20	McElligott, Van Dyke, and Walsh?
21	A. I believe those are the officers I
22	talked to. Definitely Van Dyke and Walsh, and I
23	believe it was McElligott and Gaffney as well.

Q. And you don't believe you talked to

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any other officers who witnessed the shooting,

- or you are just not sure?
 - A. I am just not sure if I did.
- Q. Did you -- how did you record the statements that they gave you?
 - A. I didn't. Just simply to get them by memory that night so we could proceed with our paperwork.

There were a few things that stood out especially from Van Dyke's side that I do remember, because he was the one I was focused on.

The other ones, I am not saying they are peripheral, but let's face it, Van Dyke is the shooter, so there are some things that stood out in my mind with him.

- Q. So as best as you can recall, recap the conversation you had with Officer Van Dyke and you said stuff -- there were things that stood out. What stood out?
- A. Right. So I had him do a chronological order. He among the others I think was not as strong as remembering what he was actually doing through the whole, you know,

1 tour prior to coming there, because I think he 2 was upset. 3 He looked like he was traumatized from this incident, which is natural, compared 4 to the others. 5 It was at this time he told me a 6 couple things that do stand out. 7 One is that he wanted to door him, 8 9 and that's when you are driving by, you can open 10 the door and hit somebody, and I think I quipped, "I wish to God you did," you know, but 11 he didn't, because he told me that Walsh told 12 him that to the effect don't do that, he has a 13 knife, something -- words to that effect, 14 something like that, and which only reinforced 15 16 in my mind that he knew that the offender was 17 armed with a knife prior to even parking the 18 vehicle. 19 So at this point when I am talking to 20 Van Dyke, it is the first time I actually learn -- I asked him how many times did you 21 shoot, and he told me it was, you know, 16, you 22 know, he fired, and I kind of did I think a, you

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know, a gafar (phonetic), 16 times, why, you

23

24

know.

I could tell that he was traumatized, and he said words to the effect "eliminate the threat," and that's what he is trained to do in the academy when they learn to shoot, and we saw subsequent shooting classes that they take.

I wasn't aware that there was the curriculum in the academy; that they actually use that verbiage, "eliminate the threat." I subsequently learned that they do use that verbiage. I was surprised.

He seemed to me an officer that was extremely scared and afraid of what had happened and that he felt his life was in danger, his partner's life was in danger, and that's why he fired his weapon, and that's the impression I got when I talked to him on the scene.

- Q. Okay. So you said that when he told you he shot Laquan McDonald 16 times that you -- and if I am putting words in your mouth, please correct me, that you were surprised. Is that a fair characterization?
- A. Right. Because I didn't know at that point that that's how many rounds had been

24

curriculum?

1	fired.
2	Q. So the first time you found out
3	16 shots had been fired was when you talked to
4	Officer Van Dyke?
5	A. I believe so. If I can remember
6	correctly. I am doing the best I can.
7	Q. So that wasn't apparent to you when
8	you viewed the video?
9	A. No, you can't tell, you know.
10	Q. Could you tell when you viewed the
11	video that multiple shots were fired?
12	A. Yes. I believe multiple shots were
13	fired, but you can't tell how many shots and you
14	don't know you don't know if they are even
15	striking, you know, Mr. McDonald.
16	Q. Right. So he told you that he
17	when you asked him so he told you he fired 16
18	times, you were surprised, you asked him why.
19	He said it was to eliminate the
20	threat?
21	A. Right.
22	Q. And you said that later on you
23	subsequently learned that that is part of CPD's

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1	A. Right.
2	Q. Can you explain, did you go and
3	investigate that as a result of this shooting,
4	or how did you subsequently learn that?
5	A. I did. I did try to find out, you
6	know, after this event happened, you know, is
7	that true, and I don't know who told me but I
8	found out, yes, it is true.
9	Q. Is the reason
10	A. Why is that?
11	Q. Yeah.
12	A. Why do they teach them that?
13	Q. I guess what I am wondering is you
14	were surprised to learn that that was part of
15	the curriculum.
16	Is it because you didn't think it
17	should be, or what was your opinion of that kind
18	of eliminate the what is the I apologize.
19	I am going to start all over.
20	A. That's okay.
21	Q. What is actually taught? I mean, you
22	said, "eliminate the threat." What is the
23	teaching that you recall?
24	MR. PLEINES: We need to take a break.

1 MS. ANSARI: Okay. 2 MR. VALDEZ: The time is 10:21, and we will 3 go off the record. (Discussion had off the record.) MS. ANSARI: So we are going to go back on 5 the record. It is 10:23 a.m. 6 BY MS. ANSARI: 7 My last question to you, Deputy Chief 8 Q. 9 McNaughton, is what is the teaching -- you said 10 that Officer Van Dyke fired 16 shots and 11 explained that he did that because he wanted to 12 eliminate the threat, and that that is part of a CPD -- what is the teaching that --13 I am not sure of the curriculum at 14 the academy, so you would have get someone else 15 16 in here to talk about that. 17 And you said that you subsequently 18 looked up what the teaching was after the 19 shooting. Was it in response to the shooting? 20 Α. No. It was more of my personal knowledge to find out -- I had already done my 21 job, put everything away, and I made an inquiry, 22 I don't know even know who I talked to to find 23 24 out if that verbiage is used.

1	Q. Okay. Was it because you and you
2	said you were surprised were you surprised
3	to scratch that.
4	So you spoke with Officer Van Dyke,
5	and then at some point was there anything that
6	stood out with your conversations with Officers
7	Gaffney, McElligott, or Walsh?
8	A. Not that I can recall.
9	Q. And you said that you spoke to them
10	separately. Do you know if the detectives had
11	that same kind of and that was kind of your
12	policy, to speak to the officers separately;
13	correct?
14	A. That is the policy, not my policy,
15	yeah.
16	Q. Okay. CPD policy. Is that something
16 17	Q. Okay. CPD policy. Is that something that the detectives also are supposed to follow?
17	that the detectives also are supposed to follow?
17	that the detectives also are supposed to follow? A. No. Detectives are investigating the
17 18 19	that the detectives also are supposed to follow? A. No. Detectives are investigating the scene for the criminal portion of this.
17 18 19 20	that the detectives also are supposed to follow? A. No. Detectives are investigating the scene for the criminal portion of this. IPRA is doing the scene for the
17 18 19 20 21	A. No. Detectives are investigating the scene for the criminal portion of this. IPRA is doing the scene for the our procedures and policies, whether they are

1	to report the overall that making sure that the
2	detectives are doing the criminal side and IPRA
3	is doing the justification side and whether this
4	is within the policies and procedures of the
5	department, and I just got to make sure that
6	that is being done.
7	I am getting an overall view of this
8	and then reporting it back up to my chain of
9	command.
10	Q. Okay. And you said you did not write
11	anything down summarizing your interviews, take
12	any notes or write any reports, summarizing your
13	interviews that night?
14	A. That is correct.
15	Q. Is that a policy and procedure also?
16	A. No, I think it is just a good
17	practice.
18	Q. Why is that a good practice?
19	A. I don't know. I am not sure, to tell
20	you the truth. It is a common practice.
21	We are not the investigators. We are
22	not going to file reports. We are not going to
23	give court testimony on this well, we are

going to give testimony on it, but we are not

24

1	filing official reports about what exactly
2	occurred during the investigation or what you
3	know, what the justification of force is.
4	That's not my job. I am not taking down copious
5	notes, and it is certainly not for the
6	officer
7	MR. PLEINES: In the usual course of
8	events.
9	THE WITNESS: Right, in the usual course of
LO	events, this one being somewhat a different
L1	time, so that's why.
L2	BY MS. ANSARI:
L3	Q. Okay. So you spoke with these
L3 L4	Q. Okay. So you spoke with these officers, and then as best as you can recall,
L4	officers, and then as best as you can recall,
L4 L5	officers, and then as best as you can recall, you walked IPRA through the scene; correct?
L 4 L 5	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did.
L 4 L 5 L6	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did. Q. And you said that you believe they
L4 L5 L6 L7	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did. Q. And you said that you believe they saw video at the scene?
L4 L5 L6 L7 L8	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did. Q. And you said that you believe they saw video at the scene? A. I think.
L4 L5 L7 L8	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did. Q. And you said that you believe they saw video at the scene? A. I think. Q. You think they saw video at the
14 15 16 17 18 19	officers, and then as best as you can recall, you walked IPRA through the scene; correct? A. I did. Q. And you said that you believe they saw video at the scene? A. I think. Q. You think they saw video at the scene?

1	A. I believe so, yes.
2	Q. You said that you also ensure that
3	proper notifications are made. What did you
4	mean who are the people that are notified?
5	A. Basically CPIC is notified. If I get
6	there and the detectives aren't there, crime lab
7	is not there, the medical examiner wasn't
8	notified, all these type of things that are
9	normally, then I would say, hey, have the
10	notifications been made, but since they were
11	made, and it was apparent that they were made,
12	because everyone was there before I got there,
13	it was a box I could check easily as far as
14	making sure things were done.
15	Q. Who was in charge of the scene before
16	you got there?
17	A. Well, our scenes get protected by
18	patrol.
19	Q. Okay.
20	A. So the first ranking member is the
21	one that owns the scene, probably a sergeant.
22	The second, probably a lieutenant or a captain
23	showing up on the scene, and the third was

24

commander.

people that you were mostly communicating with?

Absolutely.

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2.4

Α.

1	Q. Okay. Did you see detectives
2	interviewing civilian witnesses at the scene?
3	A. I can't recall.
4	Q. Okay. And did you see any detectives
5	interview anyone who was working at the Dunkin'
6	Donuts?
7	A. I know they retrieved the video, so I
8	imagine they asked them. I didn't see if they
9	interviewed them or not specifically.
LO	Q. I apologize if this isn't what you
L1	said, but did you see the Dunkin' Donuts video
L2	at Dunkin' Donuts?
L3	A. I think I did, and if not, I think I
L4	saw it I think I did, yes.
L5	Q. Did you have any do you recall
L6	what your impressions were at that time of that
L7	video?
L8	A. Grainy, very grainy, hard to see,
L9	hard to discern what was going on other than you
20	could see subjects moving and the position of
21	where the vehicle was at, you know, which I
22	think is important.
23	Q. Right. Did you go into the Burger
24	King that was there?

1	A. No, I never went into the Burger
2	King, no.
3	Q. Were you aware of any video being
4	recovered from the Burger King?
5	A. I didn't know anything about a video
6	at Burger King at all.
7	Q. Okay. You said you didn't recall
8	speaking with any Cook County officers at the
9	scene; correct?
10	A. That's correct.
11	Q. Can you say one way or another if any
12	Cook County officers were at the scene?
13	A. Not that I recall.
14	Q. Would that be something that would
15	have stood out to you if there were non-CPD
16	officers there?
17	A. Yes.
18	BY MR. VALDEZ:
19	Q. I just want to circle back with you
20	about the verbiage, "eliminate the threat."
21	When you were in the academy, what
22	was taught to you at the time in terms of your
23	use of force as it relates to discharging your

24

firearm?

1	A. I am sorry. I really can't remember
2	the course and what they told us and what they
3	didn't so
4	Q. Was there any reason specifically
5	that that "eliminate the threat" verbiage stood
6	out to you, why it caught you by surprise, let's
7	say?
8	A. It was just something that I wasn't
9	aware that they were, you know, that verbiage
LO	was being used.
L1	Q. So no particular reason?
L2	A. No. It was I just wasn't aware it
L3	was being used.
L4	Q. Okay. Now
L5	MR. PLEINES: They didn't use it when you
L6	had revolver training?
L7	THE WITNESS: They didn't. I was the first
L8	semiautomatic.
L9	BY MR. VALDEZ:
20	Q. Well, good. You didn't have to
21	retrain, because I know you have to re-qualify
22	when they switch over; right?
23	A. I didn't have to re-qualify.
24	Q. You said you don't recall when you

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1 left the scene, and we are getting back to now, 2 just to give you a little bit of insight, 3 leaving the scene and arriving to Area Central. Α. Okay. So I know you said you don't recall 5 what time it was, but it wasn't -- the evidence 6 7 techs are still working on the scene, and at that point, you left for Area Central? 8 9 Α. That's correct. 10 Q. Between leaving the scene and Area 11 Central, did you stop anywhere? Not that I recall. 12 Α. 13 Now, when you get to Area Central, do Q. 14 you recall what time it was when you got there? I do not. 15 Α. 16 Okay. And when you get to Area Q. 17 Central, do you have an office that you attend 18 to or --You know, I -- first, I think I am on 19 20 the floor at Area Central. Have you been up there to Area Central? 21 22 Q. Yes. There is a big wide floor. 23 Α. 24 Q. Are we talking about the first floor

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at this point?
A. Second floor. Second floor is the
Defective Division.
As you are coming up the stairs, to
the right are some offices on the far wall, I
think it would be the south wall, and then there
is offices along the windows, which would be the
east side of the building, and then there is
offices to the north side where you can go.
When I get there, one of the things I
had requested from the detectives, and I don't
know which one, and they did get it for me, was
the 911 tape so I could listen to the call and
how it came out and what developed, and they
were able to get that for me. I don't know who
delivered it to me, it was one of the
detectives, one of the sergeants, and I put it
into a computer, and I listened to the tape, so
I just sat there and took 10, 15, 20 minutes,
half whatever it was, and listened to the
tape.
So it just reaffirmed in my mind the
time frame, what had occurred.

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It gave me, too, better feeling of

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1	the what the anxiety and what the officers
2	are going to feel because of what was happening,
3	and also the fact that the puncture, that the
4	tire was punctured and it was announced that he
5	had punctured the tire so people were aware that
6	that had occurred as well, so I heard that.
7	Then I had to attend, and I don't
8	know which order we did it, we had to attend to
9	make sure that Officer Van Dyke's weapon was
10	recovered, which we did, and that he got the
11	chemical, you know, the breathalyzer and the
12	urinalysis.
13	I can't recall any other actions
14	other than that.
15	Oh, yes. During the tape, obviously,
16	there was several requests by the the 911
17	tape, by the officers on the scene that were
18	walking with me for a Taser, and I don't think a
19	Taser well, obviously, a Taser never got
20	there on time.
21	I don't know if it was the
22	appropriate force option, anyway, but it didn't
23	get there on time.
24	So we tended to I listened to the

1 911 tape. I tended to Officer Van Dyke's 2 getting retrieval of the weapon, and then the 3 IAD, taking the breathalyzer and the urinalysis. When you arrived to Area Central, who else is there in that second floor when you 5 arrive? 6 7 As far as personnel? 8 0. Yes. 9 Α. I think all the parties are coming 10 there as far as the officers that are involved, the detectives and their supervisors. 11 I believe Commander O'Donnell and 12 Walsh, members of the FOP also arrive, IPRA was 13 also on the floor, and it is, you know, not 14 just -- there is a police unit, but there is 15 other things going on in the area that the 16 17 detectives are attending to, so there is several detectives in the building. 18 19 Do you have any recollection in terms O. 20 of any of the time that you were there from arrival to leaving Area Central? 21 No. Again, it would be several 22 Α. hours. I think I left -- the latest probably 23 24 somewhat after 7:00 a.m. probably, somewhere

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around that time. That's a guess.

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I had to actually attend to a meeting 3 later that morning because Vice President Biden was coming into town, and I had to head up that detail for Vice President Biden, and we were 5 going to have a meeting at the Secret Service 6 here downtown where we bring everybody in and 7 talk about what that's going to be, and I knew I 8 had to get home, get changed into a fresh shirt and get back to that as well.

Q. Now, did you have an office there on the second floor that you --

Α. They gave me something on the north wall where I could, you know, do my paperwork and what have you, and that's where I went back to would be -- not the north. I think the south wall. So if you come up the stairs, I believe it is to the right.

And is that where you went Q. immediately upon arriving to Area Central?

No, I think I listened to the tape on Α. the floor, you know, on one of the computers on the floor and then I retreated back to that location there, if I remember correctly.

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1	I can't remember how long I spent in			
2	which one. I just needed a computer to finish			
3	up the paperwork.			
4	Q. And now, listening to the tape, were			
5	you alone when you listened to it? I know you			
6	were out on the floor where it is accessible to			
7	it			
8	A. I think they gave me some headphones			
9	so I could listen to it if I remember correctly.			
10	Q. Okay. So you listened to the tape.			
11	It helps give you a better mindset of where the			
12	officers probably aware, in terms of what they			
13	are hearing and things like that?			
14	A. Yes.			
15	Q. Any other activities at Area Central			
16				
	upon arriving to Area Central that you can			
17	upon arriving to Area Central that you can recall? Did you view the video again?			
17				
	recall? Did you view the video again?			
18	recall? Did you view the video again? A. You know, I don't think we could. I			
18 19	recall? Did you view the video again? A. You know, I don't think we could. I think the video at that time, and I think still			
18 19 20	recall? Did you view the video again? A. You know, I don't think we could. I think the video at that time, and I think still at this time that that video has to be uploaded			

view that video in Area Central, and I don't

1	recall viewing it there.		
2	I could be mistaken, but to the best		
3	of my recollection, I don't think so.		
4	Q. Okay. So after you hear this 911		
5	tape, and they are the OEMC tapes, right?		
6	A. Right.		
7	Q. You don't know what detective gave it		
8	to you, at least gave you the capability to		
9	listen to it?		
LO	A. Right.		
L1	Q. After that you go to an office to		
L2	start working on reports, or what were you doing		
L3	in the office?		
L4	A. Well, no, I made sure Van Dyke was		
L5	attended to as far as those things we previously		
L6	mentioned.		
L7	Q. Right.		
L8	A. At that point, you know, I want to		
L9	start getting the, you know, the TRR's and the		
20	Officer Battery Report done so I can, you know,		
21	conclude my portion and allow IPRA and the		
22	detectives to do their interviews with the		
23	officers.		
24	I believe I had to tell the officers		

1 they have two hours to submit to a statement to 2 IPRA, and IPRA had no problem. Everybody was 3 cooperating, as far as I was concerned. So it is a little bit of a dance, I 4 guess we will call it, right? Because you have 5 different people with different priorities going 6 7 on? IPRA is trying to locate witnesses 8 9 and talk to them separate from the detectives. 10 Detectives want to get their interviews done with the officers. 11 It is kind of like the detectives 12 first, and then IPRA, so I think that was what 13 was going on with the -- that was kind of the 14 dynamic up there, but you would have to talk to 15 the detectives and IPRA to get better 16 17 information. Were you involved with any of the 18 19 tasks that the CPD detectives handled that 20 night? 21 Α. No. 22 Were you aware of any of the tasks? Q. For example, do you know of any of the witnesses 23

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that they interviewed, CPD or otherwise?

24

A. Do I know which ones they		
interviewed?		
Q. And this is at the time, right. I		
know post		
A. At the time, no. I am just assuming,		
you know, that things are working smoothly and		
that they are talking to all the possible		
witnesses that were there and getting statements		
from them.		
Q. Okay. Are you involved in any of the		
interviews that they are conducting?		
A. No.		
Q. Of the CPD members or of the		
witnesses?		
A. No, and that wouldn't be according to		
form.		
Q. Okay. So they are really doing their		
own thing? You are not involved in that process		
at all?		
A. That's right, as it should be.		
BY MS. ANSARI:		
Q. Did you see them interviewing any		
civilian witnesses?		
A. I did not. That doesn't mean it		

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didn't occur. I don't recall. 1 2 BY MR. VALDEZ: 3 o. Now, understanding that, I still want to go through a couple questions regarding some 4 of the interviews and some of the things that 5 took place that we, you know, learned during the 6 7 course of our investigation. If you don't know it, you don't know 8 9 it, but if it is something that you have some 10 recollection of, let's talk about it a bit. Α. Sure. 11 So you are aware obviously they were 12 conducting civilian witness interviews at Area 13 Central; correct? 14 Α. IPRA? 15 16 CPD detectives. I am sorry. Q. 17 Actually, I can't recall if they interviewed people on the scene or interviewed 18 them in the office. I really don't know. 19 20 0. Do you know if they brought any civilians to Area Central at all? 21 I am not aware if they did. They may 22 Α. have. It wouldn't surprise me if they did. 23 24 Q. They are not telling you, you know,

1	we interviewed X and Y witness and this is what
2	we have learned?
3	A. Not to my knowledge, yeah, not to my
4	knowledge.
5	Q. I want to just ask you one more
6	question, and this is going to be more of a, I
7	guess, a field-type thing.
8	For civilian witnesses, would it be
9	proper for anybody to show the civilian
10	witnesses video of the incident?
11	A. To show would it be proper
12	procedure?
13	Q. Right, would it be procedure wise?
	Q. Right, would it be procedure wise? A. I am not aware of the detectives!
13 14 15	
14	A. I am not aware of the detectives'
14 15 16	A. I am not aware of the detectives' procedure and what they do, so I don't want to
14 15	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that.
14 15 16 17	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that. I just won't comment on that. That
14 15 16 17	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that. I just won't comment on that. That would be best for the detectives and how they
14 15 16 17 18	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that. I just won't comment on that. That would be best for the detectives and how they conduct an investigation.
14 15 16 17 18 19	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that. I just won't comment on that. That would be best for the detectives and how they conduct an investigation. Q. And did you learn of any civilians
14 15 16 17 18 19 20	A. I am not aware of the detectives' procedure and what they do, so I don't want to comment on that. I just won't comment on that. That would be best for the detectives and how they conduct an investigation. Q. And did you learn of any civilians being threatened with arrest or anything like

1	stands out	to you in terms of stuff?
2	A.	No.
3	Q.	And you said you weren't present for
4	any of the	CPD interviews of the CPD members;
5	correct?	
6	A.	That's correct.
7	Q.	Any other witnesses for Van Dyke's
8	interview,	for example?
9	A.	No, of course not.
10	Q.	Were you aware of the 21-foot rule
11	prior to th	his incident?
12	A.	No, I was not.
13	Q.	Never been taught to you, never
14	presented t	to you, anything like that?
15	Α.	No.
16	Q.	Are you aware of what it is now?
17	Α.	I have heard subsequent, yes.
18	Q.	Is it related to this case that you
19	have heard	subsequent, or just in general?
20	A.	In general.
21	Q.	Okay. What's your understanding of
22	it?	
23	A.	You want me to characterize the
24	21-foot ru	le?

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1	Q. As you understand it.					
2	A. I believe, as I understand it is that					
3	if you are 21 feet from somebody, you don't have					
4	time to draw your weapon, and you could be, you					
5	know, filleted or something like that, and I					
6	think there was a video that was done.					
7	I think you will find it on YouTube,					
8	I think I saw it months later where something					
9	like that could happen, but I was not to my					
LO	knowledge was I aware of that that night.					
L1	Q. So nothing like that would have come					
L2	into play for your findings that night?					
L3	A. Not to me, not that I can recall.					
L 4	Q. Okay. Were you aware at all of					
L5	knives capable of firing bullets?					
L6	A. Was I aware of knives firing bullets?					
L7	Q. Yeah, do you recall any Officer					
L8	Safety Bulletins that have gone out related to					
L9	that subject?					
20	A. I don't recall them.					
21	Q. And now, you mentioned that when you					
22	are in Area Central actually, before I get					
23	into that, did you want to speak at all					
24						

2.4

IN	RE	DEPUTY	CHIEF	DAVID	MCNAUGHTON

1 BY MS. ANSARI: 2 Q. Well, the bullet knives, you said you 3 weren't aware of any Officer Safety Alert but had you ever heard of knives that were capable 4 of firing bullets before this incident? 5 I might have. I just can't recall. 6 We get continuous Officer Safety Bulletins that 7 alert us to the fact that you can conceal a 8 9 weapon or a weapon can look like something like 10 a soda can or something. You will get things like this where 11 they found a, you know, something that looked 12 like a, I don't know, it is concealed in a 13 14 purpose. 15 It looks like a women's handbag and you can fire it or something, you know, those 16 17 type of things, but I was not specifically aware that night of that Officer Safety Alert. 18 19 0. And Officer Van Dyke, when you spoke 20 with him earlier, he had never made any mention of the -- or referred to the 21-foot rule or an 21 Officer Safety Alert regarding knives firing 22 23 bullets?

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To the best of my recollection, when

1	I talked to him on the scene, I don't remember
2	him referring to that.
3	Q. Okay. At the scene I am sorry.
4	At Area Central, did you view any Dunkin' Donuts
5	video?
6	A. I don't know if I saw it there or
7	I believe I saw it at Dunkin' Donuts, but I may
8	have seen it again there.
9	It wouldn't surprise me if I did. I
10	just can't recall if I did or I didn't.
11	Q. And I forgot to ask you. At the
12	scene, was Sergeant Franko at the scene?
13	A. Sergeant Franko. I am not sure if he
14	was on the scene or not.
15	I know he was in the area because he
16	signed off on these reports as the supervisor.
17	I believe he was on the scene, but I
18	am not certain, to tell you the truth. There is
19	so many police officers there.
20	Could he have been, yes? Do I
21	remember talking to him or speaking to him on
22	the scene? I could have and I just can't
23	remember.
24	Q. Okay.

1	BY MR. VALDEZ:
2	Q. Now, in terms of the Tactical
3	Response Reports, the TRR's and the Officer
4	Battery Report, the OBR, as the Deputy Chief,
5	you direct that those are completed, or is that
6	something that the officers know have to be
7	done?
8	A. It is just common knowledge that if
9	you are involved in one of these situations that
10	we are going to have to document the use of
11	force, or that the use of force was directed
12	against me.
13	As far as me directly, you know,
14	having to direct someone to do it, it is like a
15	task that I know that the case report has to be
16	done or an arrest report or something else has
17	to be done, so as far as directing somebody, no,
18	I just expect it to get done and so we could
19	move on and complete this phase of the
20	investigation and get on with other things.
21	Q. Got it. So it is one of those boxes
22	that you have to check, so to speak?
23	A. It is one of the things that we have

24

to do, yes.

1	Q. Now, in terms of a decision point
2	about who has to fill those out, is that
3	something that you decide or is it collectively
4	decided? How does that process happen?
5	A. To the best of my knowledge, that's a
6	collective decision with the investigators, the
7	detectives, the commander of the patrol, myself
8	on the scene, what are we going to do here, and
9	that would have been done that night, and it has
10	been done subsequent to that.
11	It is just what makes sense here, how
12	are we going to do this.
13	Q. Okay. And let's talk a little bit
	Q. Okay. And let's talk a little bit about how it happened that night.
14	
14 15	about how it happened that night.
14 15 16	about how it happened that night. Do you have any recollection in terms
14 15 16	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people?
14 15 16 17	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people? A. I wish I did, and I could tell you
13 14 15 16 17 18 19	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people? A. I wish I did, and I could tell you then, but I don't recall anything being a point
14 15 16 17 18 19	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people? A. I wish I did, and I could tell you then, but I don't recall anything being a point of contention on who should do what or when they
14 15 16 17 18	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people? A. I wish I did, and I could tell you then, but I don't recall anything being a point of contention on who should do what or when they should do it, so I don't recall.
14 15 16 17 18 19 20 21	about how it happened that night. Do you have any recollection in terms of exchanges that you had with people? A. I wish I did, and I could tell you then, but I don't recall anything being a point of contention on who should do what or when they should do it, so I don't recall. Q. Okay. And who would make the

Tactical Response Report.

24

1	Q. What would be the threshold then for
2	that filing? Is there a certain use of force
3	that you would say, okay, this requires it?
4	Is it like a hard and fast rule, or
5	is it more of a subjective thing?
6	A. No, it is hard and fast rule. There
7	is a definite policy. I don't have the policy
8	in front of me, but there is different things
9	that have to transpire.
LO	Q. Understood.
L1	MR. PLEINES: There is an order?
L2	THE WITNESS: Yeah, Tactical Response
L3	Report Order, when to do it.
	BY MR. VALDEZ:
L4	
L4 L 5	Q. Got it. And so there is no you
L5	Q. Got it. And so there is no you
L5 L6	Q. Got it. And so there is no you don't have to make a determination that a
L5 L6 L7	Q. Got it. And so there is no you don't have to make a determination that a certain hold or a certain use of force requires
L5 L6 L7 L8	Q. Got it. And so there is no you don't have to make a determination that a certain hold or a certain use of force requires that a TRR to be completed?
L5 L6 L7 L8	Q. Got it. And so there is no you don't have to make a determination that a certain hold or a certain use of force requires that a TRR to be completed? It is just if it falls within the
L5 L6 L7 L8 L9	Q. Got it. And so there is no you don't have to make a determination that a certain hold or a certain use of force requires that a TRR to be completed? It is just if it falls within the rule within the special order, it gets filled
L5 L6 L7 L8 L9	Q. Got it. And so there is no you don't have to make a determination that a certain hold or a certain use of force requires that a TRR to be completed? It is just if it falls within the rule within the special order, it gets filled out?

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1	members, in this case, you know, I believe we
2	had three of them; correct?
3	A. That's correct.
4	Q. Van Dyke, Walsh, and Gaffney;
5	correct?
6	A. Right.
7	Q. What's your involvement in the
8	drafting of TRR's?
9	A. None. I don't draft the TRR's. I
10	review and approve them.
11	Q. So what's your involvement in the
12	approval of TRR's?
13	A. Once the TRR is submitted, the
14	sergeant reviews it, and it is sent to me, and
15	then I look at it and I review it for
16	completeness, and then I approve the TRR to make
17	sure it is moves along and it is filed.
18	Q. And is that how it happened on
19	October 20, 2014 or 21st?
20	A. To the best of my knowledge, yes.
21	Q. Were you present at all when
22	Van Dyke, Walsh, or Gaffney filled out their
23	TRR's?
24	A. I was in the same room, yes. I mean,

1	I believe I was in the opposite the south
2	room when they did that, and I believe they were
3	more the opposite end of the room working with
4	their union reps and their sergeant, and I think
5	it was, yeah, it must have been Sergeant Franko
6	in completing it.
7	You know, one thing we want to make
8	sure we are consistent on the times, the
9	locations and some of those things.
10	Q. Okay. Now, those are completed and
11	cleared; correct?
12	A. Right. It is on the computer. It is
13	a computer operated we don't use any
14	handwritten documents. It is a computer
15	generated report.
16	Q. Okay. And did you have to assist
17	them at all in completing the TRR's?
18	A. I don't recall doing so. I may have.
19	You know, I am not saying I am not, you know.
20	Q. Right.
21	A. I don't remember direct involvement
22	saying you check that box, you check this and
23	this is this. I don't think that happened.

Q. You don't specifically recall any

24

fill out the TRR's and OBR's; is that correct?

24

IN RE DEPUTY CHIEF DAVID MCNAUGHTON

1 Α. That's correct. 2 Q. Do you recall the names of the FOP 3 reps? I don't. Α. But you do recall that there were 5 6 some FOP reps helping? I do believe there was representation 7 on the scene. I don't know if they were sitting 8 9 next to the officer. 10 I really don't recall. I just know -- let me have a talk. Take a break. 11 MR. VALDEZ: We will do 10:53 and we will 12 jump off the record. 13 (Discussion had off the record.) 14 MR. VALDEZ: Back on the record. It is 15 still 10:53. 16 17 THE WITNESS: Let me go back to the statement. I really don't know who was sitting 18 next to who and what was happening, you know. 19 20 If I made a characterization that they -- those reps were standing next to them 21 and their sergeant was conversing with them, I 22 am just thinking that that's possibly how this 23 could have played out. I don't recall how and 24

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1 when. 2 I know that they had access. They 3 had access to me as well. Anybody could have come up and asked me a question, and they had access to their representatives when they were 5 making out the reports, so just to be clear, 6 7 okay? BY MR. VALDEZ: 8 9 Q. And just for the record, to get a 10 better understanding of how I guess the distance 11 between where you were at and where these 12 officers are filling out their TRR's, you are in an office, you said, in kind of the north side 13 of the -- we will call it the detective bullpen? 14 Right. 15 Α. 16 And they are on the other end in the Q. 17 open floor kind of thing? The best I can recall, yes, that 18 was -- that's where I was situated. 19 20 0. Did you have to leave that office for -- at any point as these officers are 21 filling out their TRR's? 22 I am sure I came and go as I pleased. 23 I can't recall my individual movements. 24

1	Q. So you weren't really glued to a desk
2	approving reports or anything like that?
3	A. No, no.
4	Q. And now, in terms of the TRR's, you
5	are responsible for Page 2, and also responsible
6	for approving the report in its entirety;
7	correct?
8	A. That's correct.
9	Q. Okay. When you are making your
LO	findings in Page 2 of these TRR's, what type of
L1	information are you relying on to come to that
L2	conclusion?
L3	A. Pretty much everything that I have
L4	collected up to that point on the scene. So
L5	pretty much what we prior discussed as far as
L6	gathering the facts that I had at that time.
L7	That's what I am using and basing my decision
L8	on.
L9	Q. Okay. And in terms of the video, you
20	had seen the video at this point multiple times?
21	A. Uh-huh.
22	Q. You are not sure you saw it at
23	Central, but you did see it at the scene?
2.4	A I don't think I saw it at Central I

Page 119 IN RE DEPUTY CHIEF DAVID MCNAUGHTON

1 did see it on the scene. 2 Q. And did your review of that video, I 3 guess how did it influence your finding? It did in influence it. You want a 5 percentage? 6 Q. I guess --7 That and many other factors, you know, talking with the officers, listening to 8 9 the 911 tape, getting the full run through, the 10 totality of the circumstances that I knew at 11 that time. Okay. So what I want to do now is we 12 ο. will get into some of the specific allegations, 13 and we will give you an opportunity to respond 14 to those, and I know, you know, we have gone 15 16 over a lot of material, and we are just going to 17 get specifically in terms of the TRR. 18 I will read them to you and then you 19 will have your opportunity to respond just to 20 get that on the record, okay? MS. ANSARI: And your response will 21 probably be pretty repetitive of what you 22 essentially said before. 23

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2.4

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1 BY MR. VALDEZ: 2 Just to give you an opportunity to 3 put it on the record. MR. PLEINES: His response is going to be repetitive within the context of these 5 questions. 6 7 MR. VALDEZ: Understood. MR. PLEINES: Some of your questions are 8 9 the same but for different officers. 10 BY MR. VALDEZ: 11 I am going to read directly from Q. Allegation No. 1. "On or about October 21, 12 2014, you made a false statement in the Tactical 13 14 Response Report Officer Jason Van Dyke completed concerning his encounter with McDonald, which 15 includes an Event Number of 1429315878 and an RD 16 17 Number of HX475653, also known as the Van Dyke 18 TRR. Specifically, you stated that, 'Officer 19 Van Dyke fired his weapon in fear of his life 20 when the offender while armed with a knife continued to approach and refused all verbal 21 direction." 22 23 What's your response to that 24 allegation, sir?

1	A. To that allegation, a couple of
2	things. First of all, you quote in that
3	allegation that Officer Van Dyke fired his
4	weapon in fear of his life, which is true, but
5	you don't put the other statement in there that
6	it was based on information available at this
7	time, and it was my preliminary determination,
8	okay, so I want to make sure that in this
9	allegation, that we stressed that it was a
LO	preliminary investigation preliminary.
L1	I am within hours of this happening,
L2	okay, so I just want to make sure that that is
L3	specifically clear.
L4	I don't say this is not a false
L5	statement. False statement is to say something
L6	that I knowingly believe to be untrue, and this
L7	was not one.
L8	So let's go I want to go through a
L9	couple things on it.
20	"Officer Van Dyke fired his weapon."
21	He did. "In fear of his life." That's what he
22	told me, and a reasonable person would believe
23	that they would be in fear of their life if they
24	were confronted with the circumstances that

1 Officer Van Dyke was confronted with. 2 He was confronted with an armed 3 offender. He was confronted with an offender that refused his verbal direction, okay? He was confronted with an offender who when Van Dyke parked his car, Van Dyke and 6 Walsh were about 60 feet ahead of him. 7 I looked at Google Maps and I mapped 8 9 this out, to the point where he was about 10 or 10 11 feet away, and the only subject that closed that distance was Mr. McDonald, okay? 11 So there is -- I don't think there is 12 anything in that statement that is not true. 13 Let me just refer to my notes. 14 When you are approaching someone, you 15 have to come near to them, right? 16 17 Where Van Dyke and Walsh are at, where they park their car, to where Mr. McDonald 18 stops and hitches up his pants and waves that 19 20 knife out, that again would put me in fear of my life. It is about 60 feet, okay, and the point 21 where this ends is at about ten feet. 22 There is nothing false about this 23 24 statement, and I don't even know why it is

frankly an allegation, because I think 1 2 everything on it is true. 3 0. And now, in your response, you kind of stress the finding is preliminary; right? 4 Α. Right. That additional statement there. Q. 6 Even now that it is not preliminary, 7 you have had some time to reflect on this, does 8 9 your finding remain the same to today? 10 Α. You know, I don't even want to go with what my finding is today. I am 11 specifically talking about what happened that 12 night. That's what I am being questioned for. 13 If I want to make a determination 14 15 today, there is a whole other series of facts that I didn't know then and I don't know now 16 that I would want to know. There is many things 17 18 that are out there that are uncertain in my 19 mind. 20 Unfortunately, it is not my job, it is not what I am supposed to do, and I have got 21 so many other things that I am tasked to do, so 22 I wouldn't even speculate on what my finding 23 24 would be today, you know.

1	What I am keying on is what I
2	recalled for that evening.
3	Q. Fair enough. Now, in the review of
4	the video, you mentioned this the 60-foot
5	between
6	A. Approximately.
7	Q. Approximately, of course, right. We
8	are not out with a measuring tape, this is not
9	meant to be an I gotcha or anything like that.
10	We are talking about approximately
11	60 feet between Walsh and Van Dyke's vehicle and
12	Laquan McDonald when he hikes up his pants and
13	you said, you know, kind of show your right arm
14	flailing out is kind of the motion that he did.
15	As he is walking southbound, there is
16	a turn from the middle lane to kind of the we
17	will call it westerly lane, middle of the west
18	lane.
19	In reviewing the video at the time,
20	did any of those movements stand out in your
21	mind? Do you see any motion away from the
22	officers?
23	A. Oh, so you are saying because he is
24	veering to the right, I don't to get back to

1 your question. I am sorry. 2 Q. Does that come into play in your 3 finding at all, where McDonald is veering to the right, to use your language, when he is walking 4 south and veering to the right in review of the 5 video? 6 MR. PLEINES: Are you asking is that a 7 factor that he considered? 8 9 MR. VALDEZ: Correct. 10 THE WITNESS: All what I saw in that video I considered all of it, not just that, but that 11 as well. In what form or fashion are you --12 BY MR. VALDEZ: 13 Is the motion -- are you considering 14 it a de minimis motion where it is not something 15 that you would consider walking away from? 16 17 Do I consider him when he is going to the right walking away? 18 19 Q. Correct. 20 No, I don't, and I will tell you why. He has already taken aggressive stance. He has 21 presented and -- presented that knife in such a 22 fashion in front of not only Van Dyke and Walsh, 23

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but those two officers that subsequently walk in

24

1 an assailant move, hey, let's go, we are going 2 to go. 3 At this point, as far as what I am looking at, is a person that is actually, 4 because he is right-handed, could actually 5 easily do a flanking maneuver. 6 7 If that was Mr. McDonald's only option to straddle that white line, okay, if 8 9 that was his only option, that might have played 10 in my thinking, but he had a whole wide berth, 40 feet west of there that he could have clearly 11 gone to. 12 I don't know what was behind him. 13 don't know. We don't have a 360-foot view. 14 chose to do that, and also, if you are looking 15 at his actions, all the circumstances, what is 16 17 just as concerning is the fact that he is not 18 turning his head away from presenting the fact that he has got that weapon to the officers. 19 20 He is looking straight on at them, and he is understanding that a weapon is pointed 21 at him at this time. 22 I can't characterize what 23 24 Mr. McDonald knows or what he doesn't know, but

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1 I can tell you he is facing full frontal 2 Van Dyke and Walsh, and they are facing each 3 other. There is no miscommunication of what's going on here, and the distance, by the 5 way, is not that far. 6 We are talking probably the distance 7 from about between me and you right now. 8 9 MS. ANSARI: Which for the record is 10 about --11 MR. PLEINES: Seven feet? THE WITNESS: Okay. I don't know how long 12 the middle lane is to the right lane. We could 13 measure it. 14 BY MS. ANSARI: 15 Did you notice in the video that 16 17 Officer Van Dyke and Officer Walsh stepped 18 toward McDonald? 19 It is very hard to tell. I think at 20 one point Van Dyke takes a step forward, and I think Walsh is moving around the car as far as 21 their movements, but their movements don't 22 appear to deviate too much from the vehicle. 23 If we are using the vehicle as our 2.4

1 anchor, I don't think that they are more or five or six feet from their vehicle at any given 2 3 time, you know, and that's an approximation, you know. BY MR. VALDEZ: At any time during your conversations 6 7 with Walsh or Van Dyke, did they mention any motions either towards or away from McDonald? 8 9 Α. I can't specifically recall. I don't 10 know if it was Van Dyke or Walsh -- I can't remember who said what. I believe -- I don't 11 want to characterize, you know. 12 I am trying to remember now even. I 13 don't want to characterize their statements. Okay. Fair enough. So it is fair 15 Q. 16 enough to say you don't recall any specific conversation about that? 17 Not specifically. 18 19 In the video, I know right now we are Q. 20 mentioning the vehicle as an anchor, and you don't move you say five or six feet away from 21 the vehicle. 22 23 In the steps forward that, you know,

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it shows Van Dyke take away from the vehicle,

24

1	what's your take on those steps?
2	Is that more to approach the
3	offender? Is that to get your footing to line
4	up a site for a shot?
5	A. The steps that Van Dyke takes?
6	Q. Yes.
7	A. I am not sure, to tell you the truth.
8	You would have to ask Van Dyke exactly.
9	MR. PLEINES: Calls for speculation.
10	THE WITNESS: I know that he is by his
11	vehicle. He is within a couple of feet, and he
12	is, you know, motioning, so is Walsh, and they
13	are, you know
14	BY MR. VALDEZ:
15	Q. And you are not expecting somebody to
16	stand stiff and still; right? Is that
17	A. I wouldn't think so. You know, if
18	you think you are fear of your life and an
19	attack is imminent upon you, you are taking a
20	posture that you can defend yourself, and that
21	looks like the posture that Officer Van Dyke was
22	taking.
23	Q. So the motion that you saw in the
24	video from either officer, you are deeming that

1	acceptable, right, those movements?
2	A. Right, and I believe I think it
3	was Walsh and Van Dyke both have their hands
4	motioning like in such a fashion that would
5	led credence that they were giving verbal
6	directions - stop, drop the knife, et cetera.
7	Q. In making your findings, was there
8	any thought as to why Van Dyke was the only
9	officer that fired upon fired upon McDonald?
10	MR. PLEINES: Are you asking whether or not
11	that fact is one that he considered or affected
12	his determination?
13	MR. VALDEZ: Correct.
14	THE WITNESS: No, I just focused on his use
15	of force. I didn't focus on the fact whether
16	other people did or didn't. It was to me, it
17	was specific just to Officer Van Dyke on his
18	actions and what he perceived at that time and
19	for the various reasons that I have already
20	enumerated of why I did believe he was in fear
21	of his life, not only that he told me that, but
22	I believe actually from the totality of
23	circumstances that he was.
24	I didn't use the fact I don't I

didn't really put a factor other than those 1 2 circumstances that I previously stated. 3 Q. Understood. And now, I want to move to Allegation No. 2, unless there is anything on 4 5 Allegation No. 1 that you would like to address. MR. PLEINES: Let's take a short break. 6 MR. VALDEZ: The time is 11:08:00 a.m., and 7 we will go off the record. 8 9 (Short break in proceedings.) 10 MR. VALDEZ: The time is now 11:15 a.m., and we are back on the record. 11 BY MR. VALDEZ: 12 Deputy Chief McNaughton, we are going 13 Q. to move into Allegation No. 2. 14 15 Again, I will just read the 16 allegation and give you an opportunity to 17 respond? Α. Hold on. 18 19 Sure. Q. 20 THE WITNESS: Do you need to say something son Allegation 1? 21 22 MR. PLEINES: No, we are good. BY MR. VALDEZ: 23 24 ο. Allegation 2. "On or about

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before as far as how he -- the totality of the

24

1	circumstances known to the officers at that
2	time.
3	As far as him being armed, their
4	observations that he was armed, his disregard
5	for verbal direction, his clearly brandishing
6	the weapon in a menacing manner in which he is
7	moving his right hand back and forth, and his
8	non-compliance or his what would be the normal
9	actions of an offender who would try to run
10	away. He didn't.
11	He stopped, hitched up his pants, and
12	threw out the knife. He didn't surrender or
13	comply with the verbal commands, and he did not
14	conceal or discard the weapon.
15	So and he continued to approach
16	the Officers Van Dyke and Officers Walsh. So
17	for that reason, that is correct. That is a
18	true statement.
19	Q. And in Statement No. 2, "under the
20	category titled 'Assailant: Battery,' the box
21	labeled 'attack with weapon'"?
22	A. Again, he was armed with the knife
23	and the previous factors I just stated.
24	Q. And No. 3, "under the category titled

'Assailant: Deadly Force,' the box labeled,
'uses force likely to cause death or great
bodily harm' was marked"?
A. Right, and so his weapon, he had a
weapon. The force that he could have used could
likely cause death or great bodily harm.
So if we go through the progression
of what was going on, if he, in fact, made it
across what was the distance between you and I,
he could have obviously seriously injured the
officer or the officers, and I did observe the
knife, and it is not a butter knife. This is a
knife that would cut through you. It cut
through a tire.
BY MS. ANSARI:
Q. So for "the category titled
'Assailant: Battery,' the box labeled 'attack
with weapon' was marked."
Even though Van Dyke wasn't actually
battered, why was this box appropriate?
A. The attack was with a weapon. You
are saying because it didn't come to the your
characterizations is it didn't come to the
threshold of a battery yet, he didn't actually

1	hit him?

Q. Correct.

2

3

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Α. You know, it is a fair question. don't know. This is a computer-generated report and it limits your options, and this report is going to get cleaned up by the statements made by -- the actual statements made by the officers to IPRA and to the detectives.

To my knowledge, he did attack with a weapon. Does it fit battery as we know battery in the State of Illinois is actually, you know, hurting someone? It does not.

Again, the intention was not to deceive or to say something was false or to make it appear anything different.

I was of full knowledge as were the officers that this was on videotape, so I think it is a hairsplitting-type thing, and again, a lot of these boxes, and they say check all that apply, don't necessarily neatly fit in to our descriptions of battery and simple battery or aggravated battery on state statutes.

Do you have to fill out something in Q. the category Assailant: Battery?

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1	A. You don't, you don't.
2	MR. PLEINES: Does the computer require you
3	to put in some information?
4	THE WITNESS: No, it does not.
5	BY MS. ANSARI:
6	Q. So it is possible to leave that
7	blank?
8	A. It was possible to leave it blank. I
9	don't think it's you know, is there an attack
10	with weapon?
11	I do believe that. If it is under
12	the Battery category, you know, that could be
13	argued about, you know, and two different people
14	can come to two different conclusions.
15	It definitely wasn't a false
16	statement or intended to be a lie in my view of
17	it when I reviewed it.
18	BY MR. VALDEZ:
19	Q. Can you elaborate a little bit on
20	what your take on what the attack with the
21	weapon, what motions McDonald made that was an
22	attacking motion?
23	A. I will go right back to the first
24	one, okay, and I don't want to key on that, but

it is really, really important, that in my view,
that when I looked at that, that would make me
believe that Mr. McDonald could be an assailant,
he could be doing these actions.

The other circumstances were, again, the puncturing of a tire, and for lack of a better term, attacking a squad car that's occupied by another human being.

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Come back to the question. I am sorry. I am getting a little tired.

Q. I just wanted to ask you to elaborate a little bit on the quote we will call it "attack with weapon."

Were there any motions McDonald made to attack --

A. The last weapon came in front of his

-- with his right hand came in front of his

body, and it forced him a little bit nearer the

officers involved, and that actually was one of

the gestures, too, that you could construe as

the start of an attack.

I think you could actually say the attack may begin right when he hitched up his pants and put out his right hand with the knife.

I know I am being repetitive. I am sorry.
Q. No, not a problem and that's one of
the reasons that we want your response for these
is because, you know, obviously, these are
allegations.
If you have a specific response, we
will get it on the record, okay?
A. Okay.
MR. VALDEZ: Actually, we are going to take
a quick one minute.
11:22 a.m. and we are going to go off
the record.
(Short break in proceedings.)
MR. VALDEZ: The time is now 11:27 a.m. and
we are back on the record.
BY MR. VALDEZ:
Q. Deputy Chief McDonald, we are going
through the allegations, and we are currently at
Allegation No. 3.
I know you said you read these. Do
you have any response to Allegation No. 3?
A. Marking the box. Allegation No. 3 is
I have marked the box, "I have concluded the

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department procedures and directives, " instead 1 2 of the box marked, "I have concluded that 3 further investigation is required." Yes, I do want to make comment on that. 5 If you looked at the Tactical 6 Response Report for Officer Van Dyke, you are 7 correct, I did put that "I have concluded that 8 9 the member's actions were in compliance with 10 department procedures and directives." That's Box 77. 11 It allows you only to choose that box 12 or, "I have concluded that further investigation 13 is required." 14 15 Everyone -- first of all, I want to 16 back it up and say everything that I found that 17 night was preliminary, okay? It was my preliminary finding. There 18 19 is no standing, the OCIC has no standing on 20 whether to make these conclusions. It has no weight. It has no standing for the officers 21 involved, for the Department. It is not the 22 official stance of the department. 23 It is definitely not the stance of 2.4

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the chain of command. All the officers involved 1 and the investigators involved realized that 2 3 when you check that statement it means absolutely nothing. Also, in that same box, I included the log number, which acknowledges that an 6 investigation is going on right now. I inserted 7 Log Number 1072125. 8 9 Also, everyone knows, and it is clear 10 that the sole authority on these type of investigations rest with the Independent Police 11 Review Authority, so we knew at that time, we 12 know to this day, until the law changes, that 13 they will make the conclusion on whether the 14 department's -- whether this member's actions 15 16 were in compliance with department policy. 17 I also want to elaborate on one of your exhibits was the statement to the News 18 Affairs, and I put on the bottom of that that 19 20 all referrals to this matter will be made to the Independent Police Review Authority, 21 acknowledging the fact that the use of force 22 investigation and the conclusion of this is 23 24 going to rest in that body.

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1	Last point I want to make is, again,
2	I checked the box at that time. In retrospect,
3	it is causing me grief, was because my initial
4	findings were such that I did believe that a
5	reasonable person could believe that Mr that
6	Mr. McDonald was, in fact, an aggressor, he was
7	an assailant, he was an active assailant, and
8	that Officer Van Dyke truly believed that at
9	that point he was under attack and he was going
10	to be he could face serious injury if he
11	didn't use his weapon, and that's he was in
12	fear of his life. He was in fear of his life.
13	He knew that at any moment,
14	Mr. McDonald could stab him with that knife, and
15	that's why he used his weapon.
16	It is not whether he should have done
17	it, okay? Remember that. It is not my
18	statement.
19	It is whether he could have done it
20	under the circumstances, and that's how limited
21	this was.
22	And again, I just want to repeat that
23	my statement and this checking of the box is in
24	context of an ongoing investigation by IPRA.

1 This was just starting. 2 This was the baby stages of this. 3 This was by no means the end and that checking that box would not suggest that this was over. MR. PLEINES: Checking that box is going to 5 have no effect on what happens in their 6 investigation? 7 THE WITNESS: Absolutely not. It doesn't 8 9 stop anything. It doesn't move anything. 10 fact, all the things that happened subsequently 11 were done according to procedure with IPRA doing what they should do after my investigation was 12 concluded. Nothing stopped that from happening. 13 BY MS. ANSARI: 14 When you said that checking the box 15 Q. 16 is now causing you grief, you meant because of --17 Α. Because of this. I am sitting here 18 today with you. 19 20 0. That's what I was -- I wanted to make sure you weren't saying it is causing you grief 21 22 because you would have done something different 23 at the time? 2.4 Α. No.

MR. PLEINES: Just the fact that he has to 1 2 spend this warm day explaining himself. 3 THE WITNESS: I completely understand your role, and I respect it. I could talk forever 4 about it, but I won't. 5 BY MR. VALDEZ: 6 7 For the sake of time, we will keep 8 going. 9 Α. Thank you. 10 Q. And now I want to talk to you a bit 11 about the Officer's Battery Report. Okay. This is Allegation No. 4? 12 Α. We are going to go to a line of 13 Q. questioning through the OBR prior to getting 14 15 into the allegations. So we are not going to go --16 17 Oh, I am mistaken. Allegation No. 4 18 is regarding the TRR with Walsh? 19 Α. Right. 20 Q. Given your stance on the Van Dyke TRR, are your answers going to be the same for 21 this, or is there anything you would like to 22 23 add? I don't think there is anything I 24

24

Q.

1	would like to add, because Walsh was standing
2	next to Van Dyke at the time, and I felt that
3	the prior statement would stand.
4	Q. Thank you. And for the record, can
5	you please explain the purpose of an Officer's
6	Battery Report?
7	A. I believe, and I would have to look
8	this up. I should have in preparation for this
9	and it was one of the things I forgot.
10	The Officer's Battery Report, I
11	believe, is only collected for statistical
12	purposes.
13	I think it is a report that we share
14	with some I think it is the FBI. I don't
15	know who we share it with, but I believe that's
16	the purpose of the report, and it is like any
17	generated form.
18	When you fill out a TRR, it forces
19	you to do the Officer's Battery Report if you
20	put certain things down on the TRR.
21	Q. And are those things documented in a
22	special order for the OBR's as well?
23	A. They would be, yes.

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Okay. So there was no determination

1	as to whether or not an OBR was necessary
2	because the computer tells you, you have to
3	A. It is necessary, right.
4	THE COURT REPORTER: I am sorry. I can't
5	hear anything you are saying.
6	THE WITNESS: He thinks they could go to
7	the medical section as well, the Officer's
8	Battery Report.
9	BY MR. VALDEZ:
10	Q. In terms of a threshold to determine
11	in specific members that are responsible for
12	filling out an OBR, again, it is a situation
13	where if the TRR is completed, an OBR must be
14	completed, so really the decision point I guess
15	is at the TRR as opposed to the OBR?
16	A. I believe if you fill out the TRR and
17	hit certain boxes, it is going to force you to
18	make out the Officer's Battery Report.
19	I am not sure what triggers it. I
20	would have to look that up.
21	Q. And now three officers filled out
22	OBR's and obviously TRR's, and the police report
23	only indicated that McDonald attacked the
24	vehicle, and I know we have gone through some of

1 your responses in terms of the allegations 2 regarding that, but why would there be three if 3 McDonald was shown to only attack the vehicle in the police report? 4 Right. Well, here is the thing: Officer's Battery Report, if you look at it, has 6 an RD number attached to it and an event number, 7 and since we were using one RD and one event 8 9 number, I don't think we could separate the two. 10 I am not sure, to tell you the truth. It is a computer-generated form, and we are 11 doing the best we can to document it properly. 12 What we did do, and I don't remember, 13 it wasn't me that probably decided this. It is 14 just whoever made out the report, is we separate 15 it by address. 16 17 If you look at the Officer's Battery Report, we do say there is three officers that 18 are involved that are completed in OBR, but we 19 20 are separating it by time and location on the 21 report. So if you look at Officer Gaffney's 22 report and then look you look at Officers Walsh 23 and Van Dyke's report, they are separated, I 24

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1 believe, by time and by the location. So it was never an attempt to again 2 3 deceive or certainly not to make a false statement. It was truly our belief, it is my belief, too, to this day, that we had an 6 incident with Officer Gaffney at 40th and 7 Karlov, and then we had the Walsh and McDonald 8 9 incident at 41st and Pulaski, and this was just 10 a way of documenting these things. What's the allegation we are on right 11 now? 12 We are not reading it from an 13 Q. allegation. It is more of a line of 14 questioning? 15 So just to kind of cut to the chase 16 17 with the Officer's Battery Report and whether it is two or three, it is certainly not again a 18 false statement. It is not meant to deceive. 19 20 It is not meant to steer someone away for the truth. 21 It is a document I think that is 22 gathered for statistical purposes, and again, 23

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any type of clarification that needed to be made

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1 would be made in the detective reports and with 2 the Independent Police Review Authority. 3 Yeah, including the, you know, the No. 3 in a box is not making a false statement. 4 It just simply isn't, and, you know, the 5 allegation as such to me it is kind of puzzling 6 7 actually. We are doing the best we can with the 8 9 forms that we have, and I don't see it being 10 any attempt to deceive or to say anything 11 different. 12 And I think in the crux of that, with ο. the three officers battered in that box, what we 13 would like some clarification on is going 14 15 through the whole event, you have McDonald 16 punching a tire and hitting the windshield on 17 Gaffney's vehicle? Puncturing the tire. 18 19 Puncturing the tire and hitting the Q. 20 windshield with a knife? Right. With Gaffney --21 Α. With Gaffney in the vehicle? 22 Q. Right. 23 Α.

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So that's one officer battered based

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0.

1 on -- we will start with a count, from that 2 report; right? 3 Α. Right. So that motion, that action by McDonald is what you consider the battery at 5 that point; correct? 6 7 Α. Yes. We have gone through this in previous 8 0. 9 parts of your statement --10 I don't want to cut you off, but it says right here on the manner of attack, 11 including actual attempt. 12 Okay. So they weren't --13 MR. PLEINES: What are you referring to? 14 THE WITNESS: I am referring to the 15 Officer's Battery Report where it says Manner of 16 Attack for Officer Van Dyke, but I think the 17 18 same box is checked on all three. 19 So it is an actual attempt, and if 20 you are getting back to Gaffney's situation, he is occupying a vehicle where a subject is 21 stabbing the tire and going after the windshield 22 of an occupied vehicle. 23 I would think it would be reasonable 2.4

1 to believe -- a reasonable person could believe that they were under attack at that point, and 2 3 that was my belief at the time, and that's why I approved the report. BY MR. VALDEZ: 5 Q. So now we are at a count of one. 6 7 Okay. Now McDonald continues, he goes 8 O. 9 through the Burger King parking lot, and I just 10 want to recap, because I know we have gone over 11 this, you know, but I just want to recap just to 12 get kind of this line of questioning. We will clear it up. 13 Uh-huh. Α. 14 So at the point where he -- at least 15 16 at the time where you believe McDonald is 17 attacking Walsh and Van Dyke to get to our three 18 officers battered, at what point do you believe 19 that attack starts? 20 Α. I will go back, and I believe the attack starts when Walsh and Van Dyke, in my 21 view, I don't know if in their view, in my view, 22 when he hitches up that pants, and swings out 23

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that knife and starts almost a "hep to" as far

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1 as his stride. His stride wasn't one of I am going 2 3 to run away. It was here, I am going -- and during his a approach, during his walking up, he is moving that knife, and he is brandishing it 5 in front of them within clear view. 6 That to me indicates the attack. 7 That to me indicates --8 9 BY MS. ANSARI: 10 Q. Was there any -- did you not -- was 11 there a decision not to include McElligott in 12 the OBR and why? I don't know why we did or we didn't. 13 Α. I think because there was a separation between 14 the two the whole time, although McDonald 15 clearly presented the knife and McElligott put 16 17 himself at risk by walking alongside of him. We could have easily done a TRR just 18 on the assault of McElligott, but I don't think 19 20 there was actually an act of furtherance on McDonald's part as far as a battery upon 21 McElligott's person that, you know, and that's 22 what I believe at the time, and I believe that 23

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to be true now, but we could have had that

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1	discussion. I don't know.
2	BY MR. VALDEZ:
3	Q. And now, the OBR's, I am assuming,
4	are filled out pretty much at the same time as
5	the TRR's; correct?
6	A. Yes. The system forces you to do it
7	at the same time.
8	Q. Right, right. Yeah. Were you
9	present at all for any of the officers filling
10	out their OBR's?
11	A. I was in the same that was the
12	area. You know, where I was sitting or standing
13	or where I was at, I don't recall.
14	Q. Do you know if any of those officers
15	received any assistance in filling out their
16	OBR's?
17	A. I don't want to say that they did. I
18	know that they had access to their FOP rep,
19	their chain of command during the whole time.
20	Q. But you have no direct knowledge of
21	that?
22	A. I have no direct knowledge.
23	Q. And again, I know we went over this
24	on the TRR's, but what kinds of information did

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1	you rely on to determine the need for these
2	OBR's?
3	A. For the Officer's Battery Report?
4	Q. Correct.
5	A. Again, when we are documenting the
6	TRR's, it forces you to do it, so we just have
7	to get through the form.
8	It was not, in my opinion, and
9	looking back on it now, because they are
10	accusing me of false reports, I was wrong, but
11	it was not a it was not the focus of our
12	investigation.
13	It was not something that I thought,
14	oh, my God. It was let's get this done so the
15	other entities that have to do their job can do
16	their job.
17	Q. And in terms of the OBR's, what
18	specifically are you do you fill out any
19	boxes in the OBR's?
20	A. No. It just comes with a package to
21	me. I don't think that there is a signature
22	line. Oh, I think there is, I guess. I don't
23	recall.
24	Q. So there is just an approval line?

1	A. Yes.
2	Q. But in terms of the actual boxes on
3	the form itself or any of the narrative
4	information, do you fill out any of that
5	information?
6	A. No, I don't. It is just that I
7	reviewed it and I click on, so it is usually,
8	and in this case, I am sure it was.
9	It was just a matter of let's just
10	get this one done, you know, let's go down the
11	line and get it done when it comes to me, when
12	it comes to my point. I want to make sure that
13	it is I review it for completeness and things
14	like that.
15	Q. Now, there are approximately, I
16	believe, five to six allegations directly
17	related to the OBR's?
18	A. Right.
19	Q. Would you like me to go through these
20	and get a response for each of them, or do you
21	want to do you have kind of a one blanket
22	response for all the OBR's as a whole?
23	MR. PLEINES: I think the response that he

has already given would be the same response he

24

with McDonald."

Allegation No. 9. "On or about

October 20 or 21, 2014, you directed that

Officer Walsh complete a false TRR and a false

OBR concerning his encounter with McDonald."

Allegation No. 10, "On or about

October 20, 2014 or October 21, 2014, you

TRR and a false OBR concerning his encounter

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1 directed that Officer Gaffney complete a false 2 OBR concerning his encounter with McDonald." 3 What are your response to these allegations? 4 I just want to say that I have never directed any police officer under my direction 6 to fill out a false report. 7 I have never directed anyone to lie 8 9 on a piece of paper or in court or directed 10 anyone to deceive anyone at all, and I categorically deny those allegations, and I 11 think that -- I don't even know how they have 12 any basis, in fact, that I directed anyone to do 13 anything in false, and if anyone is suggesting 14 that I did so, I would like to meet my accuser, 15 because that is just wrong, it is baseless, and 16 17 I categorically deny. I have been a supervisor for -- how 18 many years -- I am getting tired. 19 20 Nineteen years, I believe, that I have been doing this a long time. 21 22 I have never, ever told anyone to lie on a report or gave them indication to do 23 24 anything like that.

1	Sorry. I just want to go for the
2	record.
3	Q. And just to close up your time at
4	Area Central, you said you left sometime around
5	7:00 a.m. that morning?
6	A. I believe that was the time.
7	Q. Around that time?
8	A. Yeah.
9	Q. Other than the tasks that we have
10	gone through, including the TRR and the OBR,
11	were there any other specific tasks that you can
12	recall that you completed at Area Central?
13	A. Yes. The major incident notification
14	that's included. I had to review that as well.
15	Q. Anything about that notification that
16	stands out to you?
17	A. I don't have it in front of me. I
18	would have to review it, but that is standard
19	practice as well.
20	Q. And are you in charge at all of
21	ensuring any officers receive assistance from an
22	employee?
23	A. Thank you for prompting me. Yes, I
24	am, and I can't recall doing that, but I am sure

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1	I gave them the Employee Assistance Program
2	forms.
3	There may be other tasks that I am
4	forgetting. I am not doing it to provide any
5	type of subterfuge.
6	I think that's Allegation 11. We are
7	not to 11 yet?
8	Q. No.
9	A. All right. So I believe I completed
10	all the tasks that is commiserate with my role
11	as an OCIC, and if I forgot something to mention
12	today, it is not because I am trying to deceive
13	you in any form or fashion.
14	MR. PLEINES: Has anyone advised you that
15	you overlooked or failed to perform any of your
16	required tasks?
17	THE WITNESS: No one.
18	BY MS. ANSARI:
19	Q. You mentioned the Major Incident
20	Notification Form. Who does that go to?
21	A. It is posted in our CLEAR System and
22	it is done by the detectives. The detectives do
23	it. I review it, and it is just posted, so
24	other command staff members will know that there

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1	was a shooting, a police shooting that night.
2	Q. I have a couple quick questions
3	before we move on to our last topic.
4	A. There is two topics, right, 11 and
5	12?
6	MR. VALDEZ: We will give you an
7	opportunity to respond to each of those if you
8	would like, yes.
9	THE WITNESS: Okay.
10	BY MS. ANSARI:
11	Q. You said earlier that you don't know
12	if a Taser was the appropriate force option.
13	Can you explain that statement?
14	A. I really can't. You know, we would
15	have to go into every aspect of it, and I would
16	have to interview the officers again. It was a
17	side remark that better left unsaid.
18	Q. Okay. And this is background, but
19	how many how long have you been an OCIC?
20	A. Well, when you get promoted to Deputy
21	Chief, then you become one of the OCIC's, part
22	of a pool of people that they can use.
23	It is rank specific. It is either
24	deputy chiefs or the executive officer in an

1	area deputy chief's office.
2	So there are three commanders that do
3	serve that role and the deputy chiefs of an
4	area.
5	Q. Okay. And do OCIC's respond to all
6	shootings or only officer-involved shootings?
7	A. Police officer shootings with hits,
8	okay? So at that time, the subject had to be
9	hit.
10	If Mr. McDonald wasn't hit, that
11	would have been handled, I believe, by the
12	commander or the captain at that time.
13	Q. You said police officer shootings
	Q. You said police officer shootings with hits?
14	
14 15	with hits?
14 15 16	with hits? A. With hits, of people, where you hit
14 15 16 17	with hits? A. With hits, of people, where you hit somebody.
14 15 16 17	with hits? A. With hits, of people, where you hit somebody. So if you have a police shooting
13 14 15 16 17 18 19	with hits? A. With hits, of people, where you hit somebody. So if you have a police shooting where you don't hit anybody, the deputy chief
14 15 16 17 18	with hits? A. With hits, of people, where you hit somebody. So if you have a police shooting where you don't hit anybody, the deputy chief does not have to come out, or if you shoot an
14 15 16 17 18 19 20	with hits? A. With hits, of people, where you hit somebody. So if you have a police shooting where you don't hit anybody, the deputy chief does not have to come out, or if you shoot an animal destruction, you don't have to come out.
14 15 16 17 18 19	with hits? A. With hits, of people, where you hit somebody. So if you have a police shooting where you don't hit anybody, the deputy chief does not have to come out, or if you shoot an animal destruction, you don't have to come out. MR. PLEINES: Then the lieutenant fills out

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23

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A.

come to a final conclusion?

1	BY MS. ANSARI:
2	Q. And how many shootings have you been
3	the OCIC for?
4	A. Not many. I was a, I believe, one
5	shooting prior to this yeah, I believe this
6	was the second shooting that I had to handle.
7	Q. Okay.
8	A. That I was the OCIC. I have been at
9	other shootings, but the one that I handled. I
10	could be mistaken, but that's the best of my
11	recollection.
12	Q. Okay. You said earlier that the TRR
13	and OBR forms, or the TRR's when you are
14	checking the box is just a preliminary
15	determination, and when we asked you if knowing
16	what you know now that would change you would
17	say there were lots of you wouldn't be able
18	to speculate on that, because there is lots of
19	things that would you want to know.
20	A. Sure.
21	Q. And what are the types of things that

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To make a thorough examination to

you would want to know that could change your --

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1	Q. Yeah, that's correct.
2	A. It would be to run a full
3	investigation similar to what you are doing
4	right now to uncover just about every nook and
5	cranny and ask every question.
6	So again, that takes a long time.
7	You have to talk to a lot of witnesses. You
8	have to gather and weigh a lot of evidence.
9	None of those things are part of the
10	role of the OCIC, nor were I privy to that
11	night.
12	So this is a very, very preliminary
13	part of the investigation that is gone that
14	is directed to the right people to investigate,
15	and I report up my chain of command the next day
16	what we know at this time, and they can further
17	investigate or make inquiries to the proper
18	parties after I give my summation to the
19	superintendent and the chiefs.
20	Q. When you viewed the video, did you
21	notice that did you notice if Officer
22	Van Dyke or Officer Walsh stepped back before
23	shooting McDonald?
24	A. I just can't recall at this time. I

2 They may have taken a step back. I

3 | can't remember which one did which at the time.

MR. PLEINES: To answer the question, you

5 | would have to see the video?

6 THE WITNESS: I would have to see the

7 | video.

8 MS. ANSARI: And I don't think it is

9 | necessary to show the video, so I just wanted to

10 ask that follow-up question.

11 BY MR. VALDEZ:

12 Q. Now, I want to talk to you a little

13 | bit about the types of communications that

14 | happen after the shooting.

15 I know you had briefly mentioned

16 | briefing reports. What other types of

17 | communications have to go out from you being the

18 OCIC?

19 Do you have to hold meetings

20 regarding the shooting, things like that?

21 A. Okay. As far as communications?

Q. Right. So, for example, you had

23 | mentioned a briefing meeting the next day;

24 | right?

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_	
1	A. Right.
2	Q. Can you explain what that entails?
3	A. Sure. Are we going to get to 11 and
4	12 later?
5	Q. We will.
6	A. Because I was going to cover it in
7	there.
8	Yeah, the briefing meeting is held
9	usually in conjunction with what's called the
10	Executive Management Meeting, which are held on
11	Mondays, Wednesdays and Fridays in the
12	superintendent's office, and if there was a
13	shooting that occurred during the previous time
14	from our last Executive Management Meeting, the
15	OCIC that was present is going to give a
16	presentation or a summation of all the events
17	that occurred that night.
18	Now, I certainly was present for
19	that. I believe now Chief Roy, then Commander
20	Roy was able to attend, and we were able to walk
21	through the command staff, including
22	Superintendent McCarthy and the chiefs and the
23	first deputy at that time the entire
24	investigation that we knew at that time,

1	including the videos starting with the one on
2	40th Street, the Greater Food Depository, I
3	believe, that shows the actions of McElligott
4	and Gaffney, and then continuing on with the
5	video that we have often referred to and just a
6	timeline of everything that happened.
7	Now, to my knowledge, everything that
8	I have told you was presented at that meeting
9	that morning.
10	Q. Would there be any type of would
11	that presentation or meeting be memorialized
12	anywhere?
13	A. No. It is just simply to get them
14	aware and up to speed of where the investigation
15	stands and allows the parties that being,
16	whether it be the Internal Affairs Division, the
17	Superintendent's Office to make decisions based
18	on what we presented.
19	Q. So there is really no independent
20	report or anything like that?
21	A. There is no report, no.
22	Q. And the Executive Management Meeting
23	for the superintendent, I am assuming, is really
24	who it serves?

1	A. Right.
2	Q. But when did that happen after the
3	shooting?
4	A. October 22nd, so that Wednesday, to
5	the best of my knowledge is the day we did it.
6	Q. And do you recall who was present at
7	that meeting?
8	A. I know the superintendent was,
9	Superintendent McCarthy.
10	The other chiefs, there were plenty
11	in the room, but I don't know which chiefs were
12	there at the time.
13	We would have to look at a calendar
14	to find out who was there and who wasn't.
15	Q. Is there like a specific mailing list
16	or some type of outlook that would track that?
17	A. You would have to check with the
18	superintendent's office. I am not sure.
19	Q. And obviously you presented on the
20	Laquan McDonald shooting?
21	A. I did.
22	Q. Were there any other presentations at
23	that meeting that you recall?
24	A. No. We go through the normal course

1	of the meeting that we normally have, and then I
2	presented what had occurred with the Laquan
3	McDonald shooting.
4	Q. Okay. And just for the record, you
5	said everything that you told us today,
6	everything that was presented to you was also
7	presented at that meeting?
8	A. Pretty much the chronological order
9	of what happened and where we stand.
10	BY MS. ANSARI:
11	Q. You said you do recall Chief Roy
12	being in that meeting though; correct?
13	A. I do. And the reason is simple.
14	Because he brought the tape of the 40th and
15	the 40th Street tape.
16	Q. From the Greater Food Depository?
17	A. Right. So he helped me with that.
18	Q. So what other videos were shown at
19	this meeting?
20	A. The 40th Street, they watched that,
21	and the Laquan McDonald tape that we all know as
22	the
23	Q. The 813 Robert video?
24	A. 813 Robert video.

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_	IN RE DEPUTY CHIEF DAVID MCNAUGHTON
1	Q. Everyone watched that video?
2	A. Yes.
3	Q. Do you recall if Lieutenant Valdez or
4	Lieutenant Wojcik were in that meeting?
5	A. I can't recall. They could have
6	been. I don't know.
7	Q. Is it normal for someone at that
8	level to be at that meeting?
9	A. Usually not, but they could have
10	been. There may be a lieutenant in the area
11	does show up. If he was there or not, I don't
12	recall. They could have been.
13	Q. So what was everyone's reaction to
14	your presentation?
15	Did they agree with I mean, you
16	explained what your kind of preliminary
17	conclusion was of that night.
18	A. I didn't explain. I told them
19	exactly what had transpired and my paperwork was
20	for the record.
21	They could look that up. They didn't
22	ask me to justify what I thought or what I
23	didn't think.

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They knew, I am not going to put

24

words in their mouth, but it is understood, and 1 2 it is why I just want to stress that point that 3 the Independent Police Review Authority has the sole authority on any kind of conclusions to be made about this. 5 So did anyone express any -- what 6 7 were the reactions expressed in this meeting to the video and the presentation? 8 9 MR. PLEINES: We are going to need to take 10 a break. MS. ANSARI: We are going to take a break. 11 It is 11:59. 12 (Short break in proceedings.) 13 MR. VALDEZ: The time is 12:02, and we are 14 back on the record. 15 BY MS. ANSARI: 16 17 So this October 22, 2014 meeting, that happened at headquarters? 18 Police headquarters, yeah. 19 Α. 20 Q. What time was that meeting? They are usually at 9:30. I don't 21 22 know if that one was at 9:30. So the last question that I had asked 23 Q. 24 before we took a break was -- well, I am

1	wondering what the what was the group's
2	reaction to the evidence presented, including
3	the videos and what you
4	A. Definitely a concern, you know, with
5	the amount of shots that were being fired.
6	They looked the superintendent, I
7	think, asked some questions about the officer's
8	background and then some general questions about
9	the investigation with Chief Roy or and then
10	Commander Roy, but I can't remember exactly the
11	content of who said what, where, when, all those
12	type of things.
13	There is some general things that are
14	normally done, like again, like the last IAD,
15	the background of the officer, and what his
16	status is, and that's about it.
17	Q. You said that there was concern
18	for
19	A. Oh, okay. Yeah, I just do want to
20	add, too, no one criticized my performance or my
21	abilities or my competency as later on described
22	in an allegation that day, so none of that was
23	put into question at all; why didn't I do this
24	or do that or do the other.

1	Q. And you said that there was concern
2	expressed about the number of shots. What did
3	people say regarding that?
4	A. I can't recall. Just a natural
5	reaction, I think, from, you know, anyone. I
6	can't recall who said what and when.
7	Q. Okay. So the natural reaction that
8	16 shots would be
9	A. You can categorize it any way you
10	want. I am not going to categorize it.
11	Q. Okay. So I want to show you an
12	e-mail exchange, just to get some background
13	on
14	A. Is this part of the exhibits that we
15	have already had?
16	Q. No, it is an extra one. We will
17	enter Exhibit 12.
18	(Whereupon, document so offered
19	was received in evidence as
20	McNaughton Exhibit No. 12.)
21	THE WITNESS: Yeah, I was going to get to
22	this.
23	BY MS. ANSARI:
24	Q. So I am entering into evidence

1	Exhibit 12.
2	This is an e-mail exchange dated
3	October 30, 2014, between you, Deputy Chief
4	McNaughton, and earlier in the chain it has
5	Eugene Roy and later in the chain Wayne
6	Gulliford.
7	I am really just wondering you can
8	take a minute to review it.
9	A. I was going to refer to this, too,
LO	SO
L1	Q. Okay. I really just want some
L2	background on what's going on here.
L3	A. It is pretty simple.
L 4	Q. Go ahead.
	Q. Go ahead. A. Here is the thing. We had the EMM
L 4 L5 L6	
L5	A. Here is the thing. We had the EMM
L5 L6 L7	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we
L5 L6 L7 L8	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it.
L5 L6	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it. Chief Gulliford, who was my immediate
L5 L6 L7 L8	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it. Chief Gulliford, who was my immediate supervisor, was out of town. He wasn't privy to
L5 L6 L7 L8 L9	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it. Chief Gulliford, who was my immediate supervisor, was out of town. He wasn't privy to the briefing.
L5 L6 L7 L8 L9	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it. Chief Gulliford, who was my immediate supervisor, was out of town. He wasn't privy to the briefing. He basically wanted the briefing that
15 16 17 18 19 20 21	A. Here is the thing. We had the EMM meeting on the 22nd, I believe that's the day we had it. Chief Gulliford, who was my immediate supervisor, was out of town. He wasn't privy to the briefing. He basically wanted the briefing that we gave at the EMM on that night presented to

1 in the questions of my competency, Chief Gulliford had no questions at all about my 2 3 competency or my role or my lack of fulfilling same during that presentation that we gave to him, and that's what that e-mail is about. 5 MR. PLEINES: Is there a number on that? 6 MS. ANSARI: Yes, that is No. 12. 7 BY MR. VALDEZ: 8 9 Q. So in terms of any other 10 communications that happened post shooting, did 11 you have any contact with anybody from the 12 Mayor's office? Are they involved in the process at all? 13 14 Not to my knowledge. How about during the shooting? Do 15 16 they need any type of information, anything like 17 that? I don't think so. I can't -- I think 18 I would remember if the Mayor's office called. 19 20 No, I don't think so. BY MS. ANSARI: 21 22 I am sorry. For the record, you Q. didn't create any other documents regarding the 23 24 shooting, so a summary, like a report, a

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1 briefing summary that was actually written down? 2 This was all done orally --3 Α. Yes. -- at the meeting? 4 Yes. Α. BY MR. VALDEZ: 6 Now, do you recall revising a 7 statement for CPD News Affairs the night of the 8 9 shooting? 10 I don't remember exactly, but I did do it. There is no doubt about it. 11 And one of the exhibits that we 12 Q. served to you, Exhibit No. 10, I believe, which 13 14 is the News Affair statement that we are 15 referring to. Sure. I got it here somewhere. 16 Α. 17 Okay. Go ahead. Who was that e-mail directed towards? 18 19 Is there a specific person that that e-mail goes 20 to? I think I sent it to the News Affairs 21 Α. address; is that right? 22 Q. Correct. 23 24 Yeah, I don't know who is on the

1	other line there. I might have talked to him on
2	the phone as well. I don't know.
3	Q. You don't know who it was
4	specifically?
5	A. I don't know. You would have to look
6	up and see who was working that night.
7	Q. And now you said there was a phone
8	call. Was there any other communication other
9	than the phone call and the e-mail that we are
10	looking at?
11	A. I don't know. There could have been
12	a phone call. I mean, you know, a lot of this
13	is, you know, it is just, you know was there
14	an e-mail that I sent? I sent an e-mail, right?
15	Q. Correct.
16	A. Was there a prior e-mail that would
17	give us who sent it, or would they use the News
18	Affair address?
19	Q. What we have on this e-mail is
20	there is really just the original statement from
21	News Affairs.
22	A. And I modified it.
23	Q. And you modified it; correct?
24	A. Could I see what I modified?

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1	Q. Yes. Well, actually, there is not
2	like a track changes. We just have the previous
3	statement and the revised statement on the
4	e-mail?
5	A. Well, the previous had to be
6	different than the revised, right? How is it
7	different?
8	Q. If your copy is different, we will
9	show you
LO	A. You gave me a previous and a revised?
L1	You just gave me as part of my allegations just
L2	the
L3	MS. ANSARI: We will enter
L4	MR. VALDEZ: We already have it here, so
L5	let's go over this statement.
L6	THE WITNESS: So you did give us the right
L7	one, okay. No, you did. Thank you.
L8	MS. ANSARI: So for the record, we are
L9	looking at Exhibit 10.
20	THE WITNESS: So I just made a minor change
21	to it. I got it. Okay. Go ahead.
22	BY MR. VALDEZ:
23	Q. Did you revise that statement on your
24	own? Is there anybody that assists you?

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1	I am sorry. That was a compound
2	question, but did you revise the statement on
3	your own?
4	A. Yeah, I reviewed the statement. I
5	thought it was correct, and I revised
6	whatever revision was made would have been it
7	was from me to them, right?
8	Q. Yeah.
9	A. Yeah, I did it on my own. I don't
LO	think I would have asked anybody else to do my
L1	work for me.
L2	Q. Do you have to get any input from
L3	anybody else on the scene?
	7 If I want to
L4	A. If I want to.
L4 L5	Q. Do you recall in this instance if you
L5	Q. Do you recall in this instance if you
L5 L6	Q. Do you recall in this instance if you did?
L5 L6 L7	Q. Do you recall in this instance if you did? A. I don't recall that I did, no.
L5 L6 L7 L8	Q. Do you recall in this instance if you did? A. I don't recall that I did, no. Q. Now, is this statement typical of
L5 L6 L7 L8	Q. Do you recall in this instance if you did? A. I don't recall that I did, no. Q. Now, is this statement typical of police-involved shootings where News Affairs
L5 L6 L7 L8 L9	Q. Do you recall in this instance if you did? A. I don't recall that I did, no. Q. Now, is this statement typical of police-involved shootings where News Affairs contacts the OCIC for revisions to the
L5 L6 L7 L8 L9	Q. Do you recall in this instance if you did? A. I don't recall that I did, no. Q. Now, is this statement typical of police-involved shootings where News Affairs contacts the OCIC for revisions to the statement?

1 It is more direct and it is better 2 crafted. 3 Q. And now the e-mail, if you look at the timestamp on the e-mail that you sent. So 4 this would be on Page 1. 5 Okay. 6 Α. 7 ο. And there is a timestamp of 3:23 8 a.m. 9 Α. Okay. 10 Q. And at that time, the TRR's and the 11 OBR's were not yet drafted or approved. 12 Is it fair to say at that time based on the statement you believed that Van Dyke 13 fired his weapon in compliance with the 14 15 department policy? By 3:00 a.m. in the morning? 16 17 Q. Correct. Probably so. I don't think I was --18 I wasn't like flipping a coin back and forth in 19 20 my mind where I was going, you know, with this 21 thing. I don't know exactly what time that I 22 had enough information to do that. But, you 23 know, I think the official time when I made that 24

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1 is when I put it on the TRR. 2 Q. Okay. And even though the TRR was a 3 little bit after this, so your decision would have been sometime prior; correct? 4 MR. PLEINES: You had reached your conclusion and --6 7 THE WITNESS: Right. BY MR. VALDEZ: 8 9 Q. And what we can do now is jump to the 10 allegation regarding the e-mail with News 11 Affairs, and I will read it for you for the 12 record. All right. 13 Α. "On October 21, 2014, you provided a 14 false statement to the Chicago Police 15 16 Department's Office of News Affairs when you stated McDonald, 'continued to approach' 17 18 Officers Van Dyke and Walsh." 19 So, again, I don't believe that on 20 that night in question, nor do I believe now that that statement is false for previous 21 reasons stated, but let me be clear for the 22 record. 23 I believe that Officer Walsh and 24

1	Van Dyke parked their vehicle ahead, about
2	probably 60 to 70 feet ahead of Mr. McDonald.
3	Mr. McDonald in clear view at that
4	point when the vehicle came to a stop hitched up
5	his pants, opened up his knife. He was about
6	60 feet away, I believe, and that's an
7	approximate. He was 60 feet away at that point.
8	At the point when Officer Van Dyke
9	fired his weapon striking Mr. McDonald, I
10	believe they were about 10 to 11 feet away, best
11	guess estimate, and I believed it that night and
12	I believe it now, and if the definition of the
13	word "approach" is to come nearer to, then I
14	don't think I was imprecise in that language.
15	I wish someone else could write
16	statements. They could probably have crafted
17	that better than I could, but it is there.
18	I do not believe it is a false
19	statement in my heart of hearts.
20	Q. And now you had mentioned that you
21	were the OCIC on one other police-involved
22	shooting?
23	A. I think prior to, yes.
24	Q. Was there anything significantly

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that I forgot that I had to do that night. You

I am sorry. This is one other duty

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have to fill out an activity log, an OCIC log of 1 2 all the things that you did during the night. 3 Every street deputy -- they call them street deputies, fills out this log, and they 4 submit it to the first deputy prior to the 5 conclusion of their duties. 6 I probably did that while I was 7 waiting in the office to get all the other 8 9 reports done. Can I review it? 10 MR. VALDEZ: Please do. THE WITNESS: Do I keep this or do I give 11 this to you? 12 BY MS. ANSARI: 13 We will take it back. 14 O. Do you know who receives -- can you 15 16 explain what the Admin 141 e-mail address is 17 that you --Admin 141 is the administrative Α. 18 office for the first deputy. 19 20 So when the first deputy comes to work the next day, he wants all the different 21 reports that have come in over the night, and so 22

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if you want to get reports to the first deputy,

which is -- this is the mandatory report that

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- 1 needs to be sent to him, you have to send it to his Admin inbox, and then his secretary or 2 3 whatever will pull in whatever reports came in for the night for the first deputy's review.
 - And that was Al Wysinger at the time?
 - It was at the time. Now, I don't know when he actually looked at it or reviewed it, if he was at work the next day, I don't know.
 - Q. And it is a general CPD procedure to fill out this log and get it to him?
- Yes, it is. 12 Α.

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- Okay. Besides the briefing at the Q. Executive Management Meeting and the briefing separately for Wayne Gulliford because he was not there, were there any other briefings that you made regarding the Laquan McDonald shooting?
- Not that I am aware of, no. 18
- BY MR. VALDEZ: 19
- 20 0. Were you summoned at all before a Federal Grand Jury regarding this case? 21
- I was not. 22 Α.
- Were you interviewed by any other 23 24 investigative agencies, including the FBI,

1	regarding this case?					
2	A. I was. Do you want me to elaborate?					
3	Q. Please.					
4	A. I don't have the date in front of me,					
5	but I believe it was in January of 2015, the					
6	State's Attorney Cook County State's Attorney					
7	and the FBI sat down, and I basically went					
8	through this whole thing with them as well, not					
9	into the detail or the time that it took, but					
10	basically the role of the OCIC and just general					
11	questions that they had.					
12	Q. Do you recall any specific people					
13	that were in that meeting?					
13	that were in that meeting? A. You know, I don't. I mean, I would					
14	A. You know, I don't. I mean, I would					
14 15	A. You know, I don't. I mean, I would have to I would have to find out. I don't					
14 15 16	A. You know, I don't. I mean, I would have to I would have to find out. I don't know.					
14 15 16 17	A. You know, I don't. I mean, I would have to I would have to find out. I don't know. Q. Okay. Not a problem. Were there any					
14 15 16 17	A. You know, I don't. I mean, I would have to I would have to find out. I don't know. Q. Okay. Not a problem. Were there any types of conditions based on that meeting? Like					
14 15 16 17 18	A. You know, I don't. I mean, I would have to I would have to find out. I don't know. Q. Okay. Not a problem. Were there any types of conditions based on that meeting? Like did they offer any type of proffer protections					
14 15 16 17 18 19	A. You know, I don't. I mean, I would have to I would have to find out. I don't know. Q. Okay. Not a problem. Were there any types of conditions based on that meeting? Like did they offer any type of proffer protections or anything like that? Was there any indication					
14 15 16 17 18 19 20	A. You know, I don't. I mean, I would have to I would have to find out. I don't know. Q. Okay. Not a problem. Were there any types of conditions based on that meeting? Like did they offer any type of proffer protections or anything like that? Was there any indication of that?					

1 I did not bring an attorney. I just 2 went there and answered their questions. 3 I asked them about that because I had, you know, heard that you could get such a 4 letter. 5 I got it just in case, but I don't 6 know what it means or what it doesn't mean. I 7 8 am not an attorney. 9 Q. Okay. During that meeting, we will 10 call it an interview, did the FBI or Cook County 11 State's Attorney present you with any other 12 materials that we presented to you? I don't recall if they did or they 13 Α. did not. They may have, but I don't recall us 14 going into detail about, you know, dotting an I 15 and crossing a T. 16 17 I think it was more of a general chronological order, what my role was. 18 probably better answer that I could provide 19 20 today because it was just so close to the proximity, but I don't recall if we looked at 21 any documents that night. 22 Okay. So there is no documents in 23 Q.

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general, not specifically to the ones we showed

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1 you, but any documents? I don't recall. I don't recall. 2 3 BY MS. ANSARI: Did you view any video? 4 I don't think we viewed the video. don't recall doing that with them. 6 7 And you said as a general matter, what you told them is what you told us today; 8 9 correct? 10 Α. To the best of my knowledge, yes. 11 0. Is there anything that stood out 12 about that conversation? Α. Not to my -- you know, other than the 13 fact that I had to do it. That was the biggie, 14 but as far as what their questions were and what 15 16 they were asking me, it seemed pretty much what 17 the investigation entails, who does what, when they do it, all that type of thing; more I think 18 19 background information as far as in general and 20 then specific information that happened that night, but I can't specifically recall, you 21 know. 22 BY MR. VALDEZ: 23

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Now, understanding kind of what we

24

Q.

1	have been talking about and what we are doing					
2	today, is there anything that you would like to					
3	add that maybe we didn't ask you that you think					
4	would be helpful to us?					
5	A. Are we going into Question 12?					
6	Q. Yeah, I will give you an opportunity					
7	to respond.					
8	A. Would be helpful to you?					
9	Q. Yeah, anything you think maybe that I					
10	didn't ask you that I should have asked you.					
11	MR. PLEINES: Let's take a break.					
12	MS. ANSARI: So we are in like the wrap-up					
13	questions now.					
14	The time is 12:20 p.m., and we are					
15	going off the record.					
16	(Discussion had off the record.)					
17	MR. VALDEZ: The time is now 12:22, and we					
18	are back on the record.					
19	Can you please read back that last					
20	question?					
21	(Record read.)					
22	THE WITNESS: Not at this time.					
23	BY MR. VALDEZ:					
24	Q. Okay. So what we could do now is					

- 2 | the floor is yours type of thing.
- I will read it for the record, and if
- 4 | there is anything in addition to that that you
- 5 | would like to add, feel free to do so.
- 6 So the last allegation is
- 7 | Allegation 12, and it states, "You were
- 8 incompetent in the performance of your duties in
- 9 the ways enumerated in Allegations 1 through
- 10 | 11."
- 11 A. Well, when you look at 1 through 11
- 12 and then you look at Allegation No. 12, you are
- 13 | basically saying that I -- if I am reading this
- 14 | right, that either I am a fool or a liar.
- I can tell you that when I walked
- 16 onto that scene and I left the area that day and
- 17 | when I come into this room, my integrity is
- 18 intact.
- 19 Now, everything I knew, I have told
- 20 you. I never had any of these officers do
- 21 | anything that what I would think would be
- 22 deceitful or false.
- 23 The conclusions that other people,
- 24 | reasonable people may have about my

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1	investigation, or the investigation that was
2	being done by myself there as the OCIC, they can
3	come to different conclusions and they can
4	question my judgment, but they cannot question
5	my integrity, and I am very I want that
6	stated for the record.
7	Now, my competency. I have been
8	doing this job for 25 years. My second shot at
9	the sergeant's exam, I think I had six years on
LO	the job, I was 19 on the list.
L1	I took the lieutenant's exam
L2	subsequent to that after being promoted
L3	sergeant. I was 84 on the list, and then
L4	subsequent to that, because of the actions and
L5	the work that I did as the role of lieutenant
L6	and subsequent as a sergeant, the department in
L7	its wisdom appointed me to the rank of captain,
L8	district commander, and deputy chief.
L9	I have been the district commander of
20	two of the largest districts with the most
21	population of the city, the 16th District with
22	over 200,000 people, and the 8th District with a
23	quarter of a million people.
24	It would be the second largest city

in the State of Illinois if it stood on its own. 1 In both locations, we saw 2 3 unprecedented reductions in crime and developed good community relations with the people that lived there and with the officers that worked in 5 those districts. 6 Because of those actions and my 7 competency, the superintendent appointed me to 8 9 rank of deputy chief and gave me what arguably 10 is the most important area in the city, Area 11 Central. That includes the downtown area and 12 then much of the south and west sides. 13 I was the -- served as a central 14 command for those eight district commanders, 15 again, covering probably the largest areas of 16 17 the city as far as geographic and population. I have handled every major protest 18 that has been downtown for the last couple of 19 20 years, and we are known nationally, the Chicago Police Department is known nationally on how we 21 handle those protests as far as allowing people 22 their First Amendment rights and at the same 23 time trying to allow the orderly flow of traffic 24

and allow people to go about their day as well. 1 2 We did that with minimal disruption 3 and with respecting the rights of all involved. I have been the incident commander of major events downtown, including the parade 5 route for the Blackhawks celebration, Air and 6 Water Show, 4th of July celebration at Navy 7 Pier, the Bud Billiken Parade, the second 8 9 largest parade in the city -- or in the country, 10 I should say, as far as populated; the St. Patrick's Day Parade. 11 I am missing so many other things 12 that I have been in charge of. 13 Not to mention the district, the 14 crime reduction that was going on in the area as 15 16 well. 17 At none of those times was my competency ever questioned, okay? 18 19 As far as the OCIC role is, it was my 20 second time doing one of these shooting scenes. I obviously have stated for the 21 record that I was fatigued. I had worked a full 22 day, not only on Monday, but I worked the night 23

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before on the President Obama detail as well

2.4

1	where he gave a speech at Chicago State
2	University.
3	So fatigue does play a factor as far
4	as making proper decisions and doing things
5	correctly, so if that has anything to say, it
6	may have it may have something to say about
7	my competency.
8	I subsequently, reported as stated in
9	the record prior, all the actions that I did
10	that night with the chain of command at the
11	Executive Management Meeting and then subsequent
12	with the Chief of Patrol, neither of which
13	questioned at that meeting or subsequent after
14	that meeting or with the Chief of Patrol,
15	questioned my competency and my role involving
16	this investigation.
17	Since that time, I have been now
18	appointed as the Deputy Chief of Comp Stat. I
19	had the accountability portion to the department
20	where I actually work for the Office of the
21	Superintendent and we have weekly meetings where
22	we hold district commanders account.
23	They have entrusted me with that
24	position. I am also the liaison with the

1	Department of Justice and the Violence Reduction
2	Network, and the department has sent me to other
3	cities representing the department in that
4	fashion.
5	I have also been selected to various
6	boards through the department.
7	I am on the Merit Board as far as
8	selection for promotion where I conduct the
9	interviews with the eligible participants.
10	I am on the Traffic Review Board that
11	decides whether the actions of the officers
12	involved in traffic pursuits and crashes were
13	right and proper.
14	I was a senior subject matter expert
15	for the last two promotional exams, all things
16	that are entrusted to someone that is competent.
17	In conclusion, I just want to state
18	that I have dedicated my life to this job.
19	These allegations are as stated would
20	allow me to be fired if found to be true, and I
21	can tell you categorically that I am not a liar,
22	and I am competent, and I am a dedicated member
23	of this department, not only have I served it
24	well, but I served the community well as well.

1	I am a father of three children and
2	married for over 20 years. I own a home on the
3	northwest side.
4	I would do nothing, I would do I
5	would never do anything to jeopardize my
6	integrity and my standing with my family.
7	I am one of 14 children that all
8	live 13 children, one passed away, that all
9	live in the City of Chicago, and again, this is
LO	my home.
L1	I take my integrity and my reputation
L2	very seriously, and you can question my
L3	competency all day long.
L4	You can look at my background and
L5	check with others, but my integrity is what I am
L6	here to talk to you about today, and I think I
L7	have in my last statement.
L8	Is there anything else I should add?
L9	MR. PLEINES: No, I think you have covered
20	it.
21	THE WITNESS: Do you have any other
22	questions?
23	MR. VALDEZ: No, we have no questions. We
24	appreciate your time.

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1	Thank you for coming down and					
2	speaking with us today, and that will conclude					
3	our interview of David McNaughton at 12:29 p.m.					
4	THE WITNESS: Thank you.					
5	MS. ANSARI: Thank you, Deputy Chief					
6	McNaughton.					
7	(Which were all the proceedings					
8	had in the above-entitled cause					
9	on this date.)					
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11						
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1	STATE OF ILLINOIS)					
2) Ss:					
3	COUNTY OF C O O K)					
4						
5	I, Teresa Volpentesta, a Notary					
6	Public within and for the County of Cook and					
7	State of Illinois, and a Certified Shorthand					
8	Reporter of said state, do hereby certify that I					
9	reported in shorthand the proceedings had at the					
10	taking of said interview and that the foregoing					
11	transcript is a true record of my shorthand					
12	notes so taken as aforesaid, and contains					
13	all the requested proceedings at said interview.					
14	In witness whereof, I have hereunto					
15	set my hand and affixed my notarial seal this					
16	27th day of May, 2016.					
17						
18	1. 3/1					
19	Teresa Velpenteta, C.S.R.					
20						
21	Notary Public, Cook County, Illinois					
22	C.S.R. License No. 84-2781					
23						
24						

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ADVISEMENT OF RIGHTS

I, David Mc Nounton , understand that I am being interviewed by Roul Vallet and Sasah Answer from Chicago Office of Inspector General.	m the City of
DATE 3 37/16 TIME 9:00.40 LOCATION Amicus Court Reporters, 300 West Adams,	Chrago, D.
I understand that this interview is part of an official investigation and that I have a duty to co Office of Inspector General, which includes answering all questions completely and truthfull	operate with the
I understand that I have no right to remain silent. I understand that I have an obligation to an to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered officer to answer the questions. I further understand and I have been advised that if I persist answer after an order to do so, such further refusal constitutes a violation of the Rules and Re Chicago Police Department and may serve as the basis for my discharge.	by a superior in my refusal to
I understand and have been advised that my statements or responses may constitute an official understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits report, written or oral, and I further understand that making such a false report, whether written result in my separation from the Chicago Police Department.	making a false
I understand that any statement made by me during this interview may be used as evidence of the basis for disciplinary action up to and including removal or discharge.	misconduct or as
I understand that any statement made by me during this interview and the fruits thereof canno me in a criminal proceeding.	t be used against
I understand that I have the right to have a union representative, or legal counsel of my choosi interview to consult with, and that I will be given a reasonable time to obtain a union represent counsel as long as the interview is not unduly delayed.	ing, present at the stative or legal
I understand that a refusal to answer any question, or any false, inaccurate, or deliberately income would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the discharge.	omplete statement ne basis for my
I acknowledge that this statement of my administrative rights has been read aloud to me, and I allowed to review this document.	have been
Employee Signature	EXHIBIT 1 DATE 5-25-16
Witness: Witness: Sach aroan	AmicusReporters.com
*************************	***
Understanding these rights, I wish to answer questions from investigators from the Office of Ir without having a union representative or legal counsel present. No promises or threats have be and no pressure or coercion of any kind has been used against me.	nspector General een made to me
Employee Signature:	

NOTIFICATION OF INTI	DATE May 13, 2016		
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
David McNaughton	Chief	120	115

		YOUR APP	EARANCE IS	REQUIRE	D	
	Amicus Court Re 300 West Adams,			DATE		TIME
AT 🛛	Chicago, IL 60606		ON	May 20, 201	6	10:00 AM
AS	⊠ ACCUSED	□ WITNESS	☐ COMPLAINANT			
FOR	☑ A STATEMENT					
oncerni Iiscon Jaquan		competence rel	ated to the	October 2	20, 2014	shooting of
		YOU	ARE TO REPORT	то:		
EAD INVES	STIGATOR	TITLE	PHONE N	O.	EMAIL	
aul Val	ldez	Investigator	773-47	8-5228	rvaldez@ rgeneral	chicagoinspecto
NOT	E: You MUST no	tify the Lead Investig	ator of your inabi	lity to keep this		
v				,		аррошинени.
		ALSO PRESENT	AT THE INTERV	IEW WILL BE:		,
AME arah An	cari	TITLE Assistant Inspector	NAME	TITLE		
21411 7111	3411	General	N/A	N/A		
	THE INTERV	IEW WILL BE 🗆 AU	DIO RECORDED 🗵	TRANSCRIBED BY	A LIVE REPO	RTER
BE COMPLETE	ED BY INTERVIEWEE (if app	licable)				
		ator Valdez at (773)	478-5228 to co	onfirm receipt	of Notifica	ation of Intonvious
id to co	nfirm your atte	ndance at the interv	view.	mini receipt	Of NOtifica	ation of interview
ereby acl	knowledge receipt	of this Notification of I	nterview.			EXHIBIT 2
	Ω	2 41 1				DATE 5-25-16
SIGNAT	TURE OF	MA		DATE		AmicusReporters.com
PRINTED N	AME Davin	R. Meraujet		TIME (6 M	x 2016	1018 hrs.
COMPONENT	D BY OFFICE OF INSPECTO PROVIDING NOTIFICATION I MADE TO:	TO INTERVIEWEE				
	4.		RANK & UNIT	DATE	TI	ME
TIFICATION	McNAughto	V DP.C	Chief Unit 1/5	16MAY/	6 10	7/8 ME
)A 0	10%	- V25 (C)	D. A.	1/		
MINIE	[O'CONNO!	C #451 >gl.	DRA WI	16MA	16 1	018

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
David McNaughton	Chief	120	115

City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT (S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department, sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION (S)

- 1. On or about October 21, 2014, you made a false statement in the Tactical Response Report Officer Jason Van Dyke completed concerning his encounter with McDonald, which includes an Event Number of 1429315878 and an R.D. Number of HX475653 (the Van Dyke TRR). Specifically, you stated that "Officer Van Dyke fired his weapon in fear of his life when the offender while armed with a knife continued to approach and refused all verbal direction."
- 2. On or about October 21, 2014, you reviewed and approved the Van Dyke TRR, which TRR contained the following false statements: (1) under the category titled "Assailant: Assault," the box labeled "imminent threat of battery" was marked; (2) under the category titled "Assailant: Battery," the box labeled "attack with weapon" was marked; and (3) under the category titled "Assailant: Deadly Force," the box labeled "uses force likely to cause death or great bodily harm" was marked.
- 3. On or about October 21, 2014, you inputted in the Van Dyke TRR that "Officer Van Dyke fired his weapon in compliance with Department policy," and checked the box marked "I have concluded that the member's actions were in compliance with department procedures and directives" instead of the box marked "I have concluded that further investigation is required."
- 4. On or about October 21, 2014, you reviewed and approved the Tactical Response Report Officer Joseph Walsh completed concerning his encounter with McDonald, which includes an Event Number of 1429315878 and an R.D. Number of HX475653 (the Walsh TRR), which TRR contained the following false statements: (1) under the category titled "Assailant: Assault," the box labeled "imminent



threat of battery" was marked; (2) under the category titled "Assailant: Battery," the box labeled "attack with weapon" was marked; and (3) under the category titled "Assailant: Deadly Force," the box labeled "uses force likely to cause death or great bodily harm" was marked.

- 5. On or about October 20, 2014 or October 21, 2014, you reviewed and approved the Officer's Battery Report Officer Van Dyke completed concerning his encounter with McDonald, which includes an R.D. Number of HX475653 (the Van Dyke OBR), which OBR contained the following false statements: (1) under the category titled "Manner of Attack," the box labeled "stabbed/cut (including actual attempt)" was marked; and (2) three officers were battered.
- 6. On or about October 20, 2014 or October 21, 2014, you reviewed and approved the Officer's Battery Report Officer Walsh completed concerning his encounter with McDonald, which includes an R.D. Number of HX475653 (the Walsh OBR), which OBR contained the following false statements: (1) under the category titled "Manner of Attack," the box labeled "stabbed/cut (including actual attempt)" was marked; and (2) three officers were battered.
- 7. On or about October 20 or October 21, 2014, you reviewed and approved the Officer's Battery Report Officer Thomas Gaffney completed concerning his encounter with McDonald, which includes an R.D. Number of HX475653 (the Gaffney OBR), which OBR falsely stated that three officers were battered.
- 8. On or about October 20, 2014 or October 21, 2014, you directed that Officer Van Dyke complete a false TRR and a false OBR concerning his encounter with McDonald.
- 9. On or about October 20, 2014 or October 21, 2014, you directed that Officer Walsh complete a false TRR and a false OBR concerning his encounter with McDonald.
- 10. On or about October 20, 2014 or October 21, 2014, you directed that Officer Gaffney complete a false OBR concerning his encounter with McDonald.
- 11. On October 21, 2014, you provided a false statement to the Chicago Police Department's Office of News Affairs when you stated McDonald "continued to approach" Officers Van Dyke and Walsh.
- 12. You were incompetent in the performance of your duties in the ways enumerated in allegations 1 through 11.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature QQZ M	Date 16 MAY 2016 1024
Printed Name Davis L. M. Wanht	Time 1024 hrs.
WITNESSES	
Soft Danily O'Cast #1251	



RECEIPT FORM

OIG FILE NO.	15-0564					
ON	16 Ma)	1 2016	AT	1019 h	07 FS	
	NAME	RMJ		Deput	7 Ch	
SEIZED FRO	OM	RECEIVED FROM	☐ RETURNED	то	RELEASED TO	
NAME			TITLE		DEPT.	
David McNau	ghton		Chief		Chicago Police Department	

THE FOLLOWING ITEM(S):

- 1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - Officer Van Dyke's October 20, 2014 Tactical Response Report for R.D. No. HX475653;
 - Officer Van Dyke's October 20, 2014 Officer's Battery Report for R.D. No. HX475653;
 - Officer Walsh's October 20, 2014 Tactical Response Report for R.D. No. HX475653;
 - Officer Walsh's October 20, 2014 Officer's Battery Report for R.D. No. HX475653;
 - Officer Gaffney's October 20, 2014 Officer's Battery Report for R.D. No. HX475653;
 - October 21, 2014 email exchange between Chicago Police Department Office of News Affairs and Chief McNaughton;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;
 - The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT

Signature

Date 16 May 2016

Printed Name Davio R Managht

WITNESSES

Sex Daniel Olive THOS!

TACTICAL RESPONSE REPORT/Chicago Police Department

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	28. ADE		Commission Spring Account	LEQUA	TELEPHONE NO	o.].	30. WAS SUBJE	CT ARME			102 F E		1 SUBJECT	NJURED?	601 32. SUBJECT A	18	
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72.	Ø 01 PE			[] 04 UNH			[_] 03 SH				New DV exit		Υ)			_	7
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711		ers will ensure that									Chrys. C				ort.	Ŧ	ő
	73. REPOR	RTING MEMBER (Print Name YKE, JASON D			s	NAME OF TAXABLE PARTY.	IPLOYEE NO.	-	ATURE							HX475653	
JRE		T-2014 04:41:45				844				•						565	
SIGNATURES		ving supervisor wil		CONTRACTOR OF THE PERSON NAMED IN		ss of		and a	ttest b	y enter	ing the	require	ed inform	ation belov	٧.	မ	
	FRANK	WING SUPERVISOR (Print N CO, STEPHEN D	inmo)	138	R NO. 31		SIGNATURE						REVIEWED OCT-2014	1 04:44:58			
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								e de la constante de la consta									
						EXH	S-25		1								
						DATE	5-25	5-16									
						Amic	usReporte	rs.cor	n								
						100	A STATE OF THE PARTY OF	NAME OF TAXABLE PARTY.		7							

I	LIEUT	ENANT OR ABOV	/E/OCIC REVIEW		
MEMBER WHEN THAT USE OF FORCE	(OCIG) WILL COMPLETE THE REVIEW SE DEATH OF A MEMBER OF THE PUBLIC SU STEMS FROM THE SAME INCIDENT DESC	CRIBED HERE IN 1 OR 2.			
THE ASSIGNED INVESTIGATING SUPER	RVISOR THE RANK OF LIEUTENANT OR A	BOVE FROM THE DISTRICT OF	OCCURRENCE WILL COMPLET	E THE REVIEW SECTION FOR ALL C	THER INCIDENTS.
75. SUBJECT'S STATEMENT REGARDS	NG THE USE OF FORCE	DNA	REFUSED	M UNABLE TO INTERVI	W (Specify Reason)
Subject is deceased.	10 112 002 01 1 0102	L_1 div		Δ,	,
76. LIEUTENANT OR ABOVE/OCIC RATE					
Based upon information avail	able at the time of this report it is policy. Officer Van Dyke fired his	the preliminary determi	nation of the undersigne	d that Officer Van Dyke fired ile armed with a knife contin	I his weapon in ued to approach
and refused all verbal direction		3 Weaport III lear of 1113 II	to when the energe with		
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WERE IN COMPLIANCE WITH DEPAI PROCEDURES AND DIRECTIVES.	RTMENT	[_] MAYE CONCEDED	PATTOKINEN INTERNOVINS	TO TEGOTICE.	
PHODEDONES PHO DINES ITALS					
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78. LIEUTENANT OR ABOVE/OCIC (Print MC NAUGHTON, DAVID R		SIGNATURE		21-OCT-201	standadan accusa sonom
and an on, on the h					
79. DISTRIBUTION OF ORIGINAL TRR:					
A TRR PACKET, INCLUDING THE TRR A	WID COPIES OF THE BELOW LISTED ATTA	ACHMENTS WILL BE FORWARD	ED TO THE INDEPENDENT POL	ICE REVIEW AUTHORITY.	
ATTACHMENTS - PHOTOCOPIES OF:	SUPPLEMENTARY REPORT	1	LO.D. REPORT	In TOTAL T	RR's THIS EVENT No.
	OFFICER BATTERY REPORT		OR INITIATION REPORT	00.	3
ARREST REPORT	TO-FROM-SUBJECT REPORTS FROM	DEPARTMENT WITNESS(ES)			

RD NO.	LIVA	TECE
	HA4	75653

INSTRUCTIONS: This form is to be completed for all incidents when: (1) a sworn member is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while performing a police function either on-duty or off-duty, (2) a detention aide is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while in the performance of his or her duties.

OSTIGED II		LICABLE BOXES"
	FORMATION	INCIDENT INFORMATION
NAME (LAST - FIRST - M.I.) VAN DYKE, JASON D		☐1. INDOOR
		ADDRESS OF OCCURRENCE
STAR NO. 9465	POSITION POLICE OFFICER	4112 S PULASKI RD
DATE OF APPOINTMENT	EMPLOYEE NO.	CITY CHICAGO STATE (If outside Chicago)
25-JUN-2001	EWI EOTEE IVO.	LOCATION CODE BEAT OF OCCURRENCE
UNIT OF ASSIGNMENT	BEAT/CALL NO.	LOCATION CODE BEAT OF OCCURRENCE 304-STREET 0815
008	0845R	DATE OF OCCURRENCE TIME DAY OF WEEK
SEX RACE	DOB	20-OCT-2014 21:57:00 MONDAY
₩1. M []2. F WHITE		NO. OF OFFICERS BATTERED 3
HEIGHT 602	WEIGHT 180	WERE THERE ASSISTING UNITS ON SCENE? 1. ▼ YES 2. □NO
		IF YES HOW MANY ASSISTING OFFICERS WERE PRESENT
TYPE OF ASSIGNMENT WE		AT TIME BATTERY (EXCLUDING YOU OR YOUR PARTNERS) ? 8
1, ON DUTY A. UNIFORM, PATROL DUTY	WORKING:	MANNER OF ATTACK
B. UNIFORM, OTHER DUTY	B. WITH ONE PARTNER	[] 01. SHOT
Describe	C. WITH MULTIPLE PARTNE	
C. CITIZEN'S DRESS	How many?	03. STABBED/CUT (INCLUDING ACTUAL ATTEMPT)
D. TACTICAL	PATROL TYPE:	04. STRUCK/BLUNT FORCE (INCLUDING ACTUAL ATTEMPT) 05. OTHER (INCLUDING VERBAL THREATS)
E. B.I S. UNIT	■ A SQUAD CAR	TYPE OF WEAPON/THREAT
F. SPECIAL EMPLOYMENT	B. FOOT	(Check all that apply):
G. OTHER	C. BICYCLE D. APV/MOTORCYCLE	A. FIREARM CALIBER D. HANDS/FISTS
2. OFF DUTY	E. SQUADROL	E. FEET
3. SPECIAL EMPLOYMENT	F. OTHER	1. REVOLVER 2. SEMI-AUTOMATIC F. MOUTH (SPIT, BITE, ETC.)
4. SECONDARY / OTHER		3. RIFLE G. VERBAL THREAT (ASSAULT)
TYPE OF A	CTIVITY	4. SHOTGUN H. OTHER (SPECIFY)
A. AMBUSH -NO WARNING		B. VEHICLE /SWINGING KNIFE
B. TRAFFIC STOP/PURSUIT		1. OFFICER STRUCK WITH VEHICLE
C. INVESTIGATING SUSPICIOUS PERSON D. DISTURBANCE - DOMESTIC		2. ATTEMPTED TO STRIKE OFFICER WITH VEHICLE
E. DISTURBANCE - MENTAL PATIENT		C. KNIFE/OTHER CUTTING INSTRUMENT
F. DISTURBANCE - RIOT/MOB ACTION/CIV	IL DISORDER	FIREARM USE INFORMATION (Check all that apply):
G. DISTURBANCE - OTHER		. A. OFFICER AT GUNPOINT
H. MAN WITH A GUN		B. OFFICER'S OWN WEAPON OBTAINED
L PURSUING/ARRESTING OFFENDER (Spe CHARGE		C. ATTEMPTED TO OBTAIN OFFICER'S OWN WEAPON
CHARGE	TOCK CODE	OFFENDER INFORMATION
J. PROCESSING/TRANSPORTING/GUARDIN	NG A PRISONER (Specify	SEX RACE DOB
ORIGINAL CHARGE	ORIGINAL IUCR CODE	X1. M
K. OTHER		CB NO.
TYPE OF INJURY	TO OFFICER	WAS THE OFFENDER'S ACTIVITY:
rani	TO OTTICER	DRUG RELATED? GANG RELATED?
A. FATAL B. NON-FATAL - MAJOR INJURY (Broken Bor	nes/Serious Lacerations/	1. YES 1. YES 2. NO 2. NO
Internal Injuries)		□ 3. UNKNOWN □ 3. UNKNOWN
C. NON-FATAL - MINOR INJURY (Bruises/Swi	elling/Minor Abrasions)	NO. OF OFFENDERS PRESENT? 1
LIGHTING CONDITION	NS AT INCIDENT	
A. DAYLIGHT D. DUSK		WEATHER CONDITIONS
	ICIAL LIGHT	A. CLEAR D. FOG / SMOKE / HAZE G. OTHER B. RAIN E. SLEET / HAIL
	1. POOR	C. SNOW F. SEVERE CROS
C. DAWN	2. GOOD	APPROXIMATE OUTDOOR TEMPERATURE: 50 °F
CPD-11.451 (REV. 1/04)		(Metabasia de la Companya de la Comp
		EXHIBIT 6
		DATE 5-25-16
		AmigunPaparters

Unusual Circumstances Regarding Officer Control Tactics and Safety: (If you need more space use additional sheets).

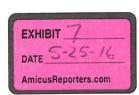
OFFENDER'S ACTIONS WERE UNPROVOKED.

REPORTING MEMBER - SIGNATURE VAN DYKE, JASON D

STAR NO. 9465

CPD-11.451 (REV. 1/04)

TACTICAL RESPONSE REPORT/Chicago Police Department 20-OCT-2014 21:57:00 4112 S PULASKI RD CHICAGO, IL 60632 304 0815 MEMBER INVOLVED FIRST NAME MOIM OF WHI JOSEPH J 600 190 4. OATE OF API 16 UNIT A DEAT OF ASSIGNMENT 29-JUN-1998 800 0845R 01 YOR X 02 NO O LAST NAME DNA MCDONALD LEQUAN BLK 601 01 M 02 F 185 SUBJECT 20. WAS SUBJECT ARMED TOTHER ISPECITYS 32. SUBJECT ALLEGED INJURYS 29. TELEPHONE NO. A ADDRÉSS X 01 Yos 02 No X 01 Yes WHERE WAS MEDICAL TREATMENT ORTAINED 34. BY WHOM' 02 Uniter Inflyance DR. PITZEL M Not Hospitalizad 37. CB NO ASSAILANT: DATTERY SUBJECT'S ACTIONS IMMINENT THREAT OF BATTERY ATTACK WITH WEAPON REASON FOR USE OF FORCE (Check all that apply) ATTACK WITHOUT WEAPON PULLED AWAY X OTHER OTHER _ OTHER OTHER _ OTHER OPEN HAND STRIKE TAKE DOWN / EMERGENCY HANDCHIFFING MEMBER PRESENCE ELDOW STRIKE KNEE STRIKE FIREARM VERBAL COMMANDS CLOSED HAND STRIKE/PUNCH ESCORT HOLDS OTHER _ KICKS OC CHEMICAL WEAPON IMPACT WEAPON (Describe in Box 40) FASER (Proba Discharge) PRESSURE SENSITIVE AREAS TAS(ER (Contact Stun) CONTROL INSTRUMENT TASER (Losor Toryolod) OCIGHEMICAL WEAPON WANTHORIZATION TASER (Spark Displayed) OTHER OTHER OC/CHEMICAL WEAPON AUTHORIZED BY (NAME) NA AND OFFENDER ARMED WITH KNIFE. STAR NO WEAPON DISCHARGE INCIDENT II. HIGHTING CONDITION 41 WEAPON TYPE 04 SEMI-AUTO PISTOL 01 Daylight [] 02 Night DO DOWN CLEAR 01 REVOLVER 05 CHEMICAL WEAPON Indigors | Ouldoors 06 TASER (Proho Discharge) 15 MAKE/MANUFACTURER 48. MODE 47 BARREL LENGTH 48 CALIBER/GAUGE 03 SHOTGUN 07 OTHER 49 TASER DART ID NO. 60. WEAPON SERIAL No. (Include Latters) ST CHICAGO GUN REG. NO 52. IL FIREARM OWNER ID. NO. 63. HANDOUN CERTIFICATE NO. SA. FOTAL NO. OF SHOTS MEMBER FIRED 4. SPECIAL WEAPON CERTIFICATE NO 55. PROPERTY INVENTORY NO. 67.NO. OF WEAPONS DISCHARGED BY THIS MEMBER. 56. TYPE OF AMMUNITION USED 60. WAS FIREARM RELOADED DURING INCIDENT D1 YES 02 NO (SPECIFY) 01. NO OF CATORIDGES/ SHOT SHELLS RELOADED 62 HOW WAS MEMBER'S HANDGUN WORK O3 OTHER (Specify) 1429315878 OT RT. SIDE (WAIST) DE LT. SIDE (WAIST) 63 HOW WAS MEMBER'S HANDGUN DRAWN [] 03 OTHER (Specify) In STRONG SIDE DRAW (02 CROSS DRAW B6. DESCRIBE PROTECTIVE COVER USED (LIGHT POLES, DOORWAYS, CAR, FURNITURE, ETC [] 01 0 - 06 FT. [] 02 06 - 10 FT. [] 03 10 - 19 FT. [] 04 OVER 15 FT. 68 PERSOMOBJECT STRUCK AS RESULT OF THE DISCHARGE OF MEMBERS WEAPON 00, POSITION OF MEMBER DISCHARGING WEAPON [] 01 STANDING [] 02 LYING DOWN OF DELEGE [] 03 BOTH [] 03 SITTING [] 04 KNEELING [] 05 OTHER (SPECIFY) DSS & LT./DIST. OF OCCUR. NOTIFICATIONS (OC OR TASER INCIDENT): [] OEMC [] CPIC CASE INFO. NOTIFICATIONS (FIREARM INCIDENT): DSS/DIST, OF OCCUR & OCIC [] CPIC DET. DIV. [] OEMC HX475653 Members will ensure that all required notifications and all witnesses to this use of force are documented in the appropriate case report. WALSH, JOSEPH J 12865 21-OCT-2014 05:04:40 Reviewing supervisor will ensure the legibility and completeness of this report and attest by entering the required information below 74 REVIEWING BUPERVISOR (PRIM N FRANKO, STEPHEN D 1381 21-OCT-2014 05:07:32 7./REV 10/07)



LOG# 1072125
Attachment# 8

	LIEUTENANT OR ABO		
HE ON-CALL INCIDENT COMMANDER (OCIC) WILL COMPLETE THE RI AVOLVING THE SERIOUS INJURY OR DEATH OF A MEMBER OF THE F	EVIEW SECTION FOR () ALL INCIDENT PUBLIC SUBSEQUENT TO INTERACTIO	TS INVOLVING THE DISCHARGE ONS WITH A DEPARTMENT MEMBE	OF A FIREARM BY A DEPARTMENT MEMBER; 2) ALL INCH ER; 3.) ANY LESSER USE OF FORCE BY A DEPARTMENT
THE OPENING BEGINN COMMUNICATION OF THE COMPACT THE REPORT SETTION THE ASSOCIATION OF A PERSON WAS DEPORTED AND			
SE ASSIGNED INVESTIGATING GUI ENVIRONT THE NAME OF ELECTEIN	MY ON MIGYCENOM THE DISTINGT	or occornence wile com re-	SETTIC REVERT SECTION FOR THE STREET HOUSERTS.
5 SUBJECT'S STATEMENT REGARDING THE USE OF FORCE	DNA	REFUSED	XI UNABLE TO INTERVIEW (Spacify Roason)
	(1 Lancas	,
	coarlynauth use of force valley		
incer waish's actions were in compliance with the De	spartment's use or lorch policy	6	
		*	
ERE IN COMPLIANCE WITH DEPARTMENT	☐ THAVE CONCLUDED	THAT FURTHER INVESTIGATION	IS REQUIRED
COCEDURES AND DIRECTIVES			
	LOG NO (CHINO 1)	072125 ODTAINED	
	SIGNATURE		
TOOLION DAVID I			21-001-2014 05:12:27
TRIBUTION OF ORIGINAL TRR:		, p	
R PACKET, INCLUDING THE TRR AND COPIES OF THE BELOW LIST	ED ATTACHMENTS WILL BE FORWARI	DED TO THE INDEPENDENT POLI	CE REVIEW AUTHORITY
THE DELOW LIST			
THE BELOW UST			
THE BLOW UST			
MMENTS - PHOTOCOPIES OF: SUPPLEMENTARY REPORT		O LO D. REPORT	BD. TOTAL THREETHIS EVENT NO.

RO NO. HX47565	53
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INSTRUCTIONS: This form is to be completed for all incidents when: (1) a sworn member is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while performing a police function either on-duty or off-duty, (2) a detention alde is the victim of a murder, aggravated battery, battery, cavated assault, or assault while in the performance of his or her duties.

A. S.			"X APPLICA	ABLE BO)	(ES"			
	OFFICER INFOR	RMATI	ON		And the State of t	INCIDENT INFO	RMATIC	N
NAME (LAST - FIRST - M.I.) WALSH, JOSEPH J				ADDRES	1. INDOOR		⊠ 2. OUT	DOOR
STAR NO	PO	OSITIO			S PULASKI F			
DATE OF APPOINTMENT	EM		LICE OFFICER 'EE NO.	CITY	CHICAG	60	STATE ((If autside Chicago)
29-JUN-1998					ON CODE		BEAT O	F OCCURRENCE
UNIT OF ASSIGNMENT	BE.		ALL NO.	304-ST	REET			0815
008		084		-	OCCURRENCE		E7:00	DAY OF WEEK
SEX RACE		DOE	3		FFICERS BATT		57:00	MONDAY
HEIGHT	WE	EIGHT		7			. 1 152	I VEG 1 MIN
600		1	90			G UNITS ON SCENE?		
TYPE OF ASSIG	NMENT WHEN	BATT	ERY OCCURRED			LUDING YOU OR YO		
1. ON DUTY		$\neg \top$	WORKING:			MANNER OF A	TTACK	
A UNIFORM, PATROL DUTY B. UNIFORM, OTHER DUTY		- 1	A ALONE B. WITH ONE PARTNER	☐ 01	. SHOT			
Describe			C. WITH MULTIPLE PARTNERS		SHOT AT			
C. CHIZEN'S ORESS			How many?			INCLUDING ACTUAL AT FORCE (INCLUDING AC		ENGT)
D. TACTICAL			PATROL TYPE:	t mad		ING VERBAL THREATS)		sm-1)
E. B I.S. UNIT			M A SQUAD CAR			TYPE OF WEAPO	NTHRE	AT
F. SPECIAL EMPLOYMENT		- 1	B. FOOT	- martine	il that apply):		_	
G. OTHER		-	O. APVIMOTORCYCLE	A. FI	REARM CALIBER			ANDSIFISTS
2. OFF DUTY			E. SQUADROL		I. REVOLVER			ET
3. SPECIAL EMPLOYMENT			F. OTHER		2. SEMI-AUTOM	MATIC] F. MC	DUTH (SPIT, BITE, ETC.)
4. SECONDARY / OTHER					3. RIFLE	Т.] 6.W	ERBAL THREAT (MESAULY)
	TYPE OF ACTI	IVITY			4. SHOTGUN	٥	H. O.	THER (SPECIFY)
A. AMBUSH -NO WARNING)			☐ B. VE	HICLE		/SWI	NGING KNIFE
B. TRAFFIC STOPIPURSU					1. OFFICER ST	RUCK WITH VEHICLE		
C. INVESTIGATING SUSPIL D. DISTURBANCE - DOME					2. ATTEMPTED	TO STRIKE OFFICER W	ITH VEHIC	LE
E. DISTURBANCE - MENTA				C.K	IFE/OTHER CUTT	TING INSTRUMENT] rem	INT INSTRUMENT
F. DISTURBANCE - RIOTIN	OB ACTION/CIVIL DIS	SORDE	R		M USE INFORM	ATION (Chi	eck all that	apply):
G. DISTURBANCE - OTHER	t				OFFICER AT GU			
H. MAN WITH A GUN						WEAPON OBTAINED OBTAIN OFFICER'S OW	N VIEADO	N
CHARGE	OFFENDER (Specify)		CODE					
				SEX		OFFENDER INFO	(MATIO	008
J. PROCESSING/TRANSPO ORIGINAL CHARGE				⊠ 1. M	2, F	BLACK		
		undi	The lock code	CB NO.			IR NO.	
K. OTHER	OF INJURY TO	OFFI	ACD.	WAS THE C	OFFENDER'S ACT	IVITY:		
	OF HADOKT TO	OFFI	VER	DRUG REL			1	GANG RELATED?
A. FATAL B. NON-FATAL - MAJOR INJ	URY (Broken Bones 19	Snnous t	gregations/	[] 2.1			- 1-	
Internal Inj	urles)				INKNOWN		×	
C. NON-FATAL - MINOR INJ	URY (BruisaalSwalling)	Minor A	Abrasions)	NO OF OFF	ENDERS PRESEN	vT? 1		
	CONDITIONS	AT IN	CIDENT			WEATHER COND	ITIONS	
A. DAYLIGHT	() D. BUSK			SO ACL	EAR	D FOG / SMOKE / I	HAZE	G. OTHER
B. NIGHT	E ARTIFICIAL	L LIGHT		B. RA	IN .	E. SLEET / HAIL		he f
[] C. DAWN		1. POOR 2. GOOD	1	C. SN		F. SEVERE CROSS	MIND	
CPD-11.451 (REV. 1/04)		e, GOOR			- 4416-00111611	2000		



. Unusual Circumstances Regarding Officer Control Tactics and Safety: (If you need more space use additional sheets).

REPORTING MEMBER - SIGNATURE WALSH, JOSEPH J

STAR NO. 12865 WATCH COMMANDER JUNIT COMMANDING OFFICER- SIGNATURE STAR NO MC NAUGHTON, DAVID R 120

CPD-11.451 (REV. 1/04)

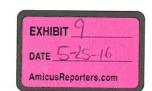
OFFICER'S BATTERY REPORT CHICAGO POLICE DEPARTMENT

ND NO	H	X	4	7	5	6	5	3

INSTRUCTIONS: This form is to be completed for all incidents when: (1) a sworn member is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while performing a police function either on-duty or off-duty. (2) a detention aide is the victim of a murder, aggravated battery, battery, particularly assault, or assault while in the performance of his or her duties.

		"X APPLICA	ABLE BO	DXES"				
OFFICE	R INFORMAT	ION		INCIDE	NT INFO	RMATIC	N	
NAME (LAST - FIRST - M.I.)			1	[]1, INDOOR		X2. OU1	DOOR	
GAFFNEY, THOMAS J			ADDRESS OF OCCURRENCE					
STAR NO.	POSITIO	ON		00 1/2 S KARLOV AVE				
19958		OLICE OFFICER	CITY			CTATE (If outside Chicago)	
DATE OF APPOINTMENT		YEE NO.		○ CHICAGO ○		SIMIE	ii bursida Chicago j	
08-JUL-1996	C.W. CO	The last 19 to .	1.0043	TION COOF		DEATO	FORTIDOENCE	
UNIT OF ASSIGNMENT	BEATIC	ALL NO.		TION CODE		BEATO	F OCCURRENCE	
008		15R		TREET			0815	
	IDO		DATE	20-OCT-2014	TIME	56:00	DAY OF WEEK MONDAY	
SEX RACE X1.M □2.F WHITE	100	В	NO OF	OFFICERS BATTERED 3		30.00	MONDAT	
HEIGHT	WEIGH	T	1	y - and the Address				
600		195		THERE ASSISTING UNITS O			7,	
				HOW MANY ASSISTING OFF E BATTERY (EXCLUDING YO				
TYPE OF ASSIGNMENT	I WHEN BAT	ERY OCCURRED	-	E DATTERT (EXCEDENCE TO	JO UN TO	OK! AK!	HEROT - U	
1. ON DUTY		WORKING:		MANN	ER OF A	TTACK		
A UNIFORM, PATROL DUTY		A ALONE		01. SHOT				
B. UNIFORM, OTHER DUTY		B. WITH ONE PARTNER	1	02. SHOT AT				
Describe		C. WITH MULTIPLE PARTNERS		03. STABBED/CUT (INCLUDING)	CTUAL AT	TEMPT)		
C. CITIZEN'S DRESS		How many?	1	04. STRUCK/BLUNT FORCE (INC			EMPTY	
O. TACTICAL		PATROL TYPE	her.mit	05. OTHER (INCLUDING VERBAL				
E. B.I.S. UNIT		M A SQUAD CAR		TYPE OF	WEARO	N/THRE	ΔΤ	
F. SPECIAL EMPLOYMENT		B. FOOT	/Charl	k all that apply):	VILAT O	14111111		
G OTHER		C BICACLE		FIREARM CALIBER	Г	□ р. н/	ANOS/FISTS	
Comment of the Commen		D APV/MOTORCYCLE				E.FE	ET	
2. OFF DUTY		E SQUADROL		1. REVOLVER	L			
3. SPECIAL EMPLOYMENT		F. OTHER			L	_ F. MC	DUTH (SPIT, BITE, ETC.)	
4. GECONDARY / OTHER	1		1 7	3. RIFLE		G. VI	ERBAL THREAT (ASSAULT)	
TYPE	OF ACTIVITY	/		4. SHOTGUN	0	К н. о	THER (SPECIFY)	
A. AMBUSH -NO WARNING			П в.	VEHICLE		/SWI	NGING KNIFE	
B. TRAFFIC STOP/PURSUIT				1 . OFFICER PERLIPS WELL	FUICE			
C. INVESTIGATING SUSPICIOUS P	ERSON			•		THE VELUE		
D. DISTURBANCE - DOMESTIC								
E. DISTURBANCE - MENTAL PATIE	NT		Z C.	KNIFE/OTHER CUTTING INSTRU	MENT L	_ I BLU	INT INSTRUMENT	
F DISTURBANCE - RIOT/MOB ACT	ION/CIVIL DISORD	ER	FIREA	RM USE INFORMATION	(Ch	eck all that	арріу),	
G. DISTURBANCE - OTHER				A OFFICER AT GUNPOINT				
H. MAN WITH A GUN				B. OFFICER'S OWN WEAPON O	BTAINED			
I. PURSUING/ARRESTING OFFEND	ER (Spacibil			C. ATTEMPTED TO OBTAIN OF	ICER'S OW	N WEAPO	N	
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★ OTHER			JUNIO			lik No.		
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				ELATED?		p	GANG RELATED?	
A FAFAC	1 × 1	1		. YES			1. YES	
B. NON-FATAL - MAJOR INJURY (Bro	aken Bones/Serious	s Lacerations/		. NO		1	2. NO	
C. NON-FATAL - MINOR INJURY (Bru	uises/Swelling/Minor	r Abrasions)	≥ 3	UNKNOWN		\times	3. UNKNOWN	
D. NONE APPARENT/NONE			NO. OF C	OFFENDERS PRESENT? 1				
LIGHTING CON	DITIONS AT I	NCIDENT		WEATHE	R COND	ITIONS		
A DAYLIGHT	D. DUSK		X A.	CLEAR D. FOG	/ SMOKE /	HAZE	G. OTHER	
N .	E. ARTIFICIAL LIGI	-tr			ET / HAIL	- MAG	in Street	
B. NIGHT	e. ANTIFICIAL CIGI		7-4		ERE CROSS	WIND		
C. DAWN	X 2.60	1	APPROXIM	ATE OUTDOOR TEMPERATURE	50 ° F			
					Print Action Mental Section 1997	CANADA CONTRACTOR CONTRACTOR	· · · · · · · · · · · · · · · · · · ·	

CPO-11.451 (REV. 1/04)



Unusual Circumstances Regarding Officer Control Tactics and Safety: (if you need more space use additional sheets). REPORTING MEMBER - SIGNATURE GAFFNEY, THOMAS J WATCH COMMANDER /UNIT COMMANDING OFFICER- SIGNATURE STAR NO. MC NAUGHTON, DAVID R 120 STAR NO. 19958

CPD-11.451 (REV. 1/04)

OIG 15-0564 014049

From:

News Affairs <nwsaffr@chicagopolice.org> on behalf of News Affairs

Sent:

Tuesday, October 21, 2014 3:26 AM

To:

Mc Naughton; David R.

Subject:

RE: Preliminary Statement on Police Involved Shooting - 4100 Block of S. Pulaski

Thank you Boss. We will send to media.

Chicago Police Department Office of News Affairs (312) 745-6110 Fax (312) 745-6999

From: Mc Naughton, David R.

Sent: Tuesday, October 21, 2014 3:23 AM

To: News Affairs

Subject: FW: Preliminary Statement on Police Involved Shooting - 4100 Block of S. Pulaski

Below is the revised statement:

On Monday, October 20, 2014, at approximately 9:45 pm, officers assigned to the 008th District (Chicago Lawn) were investigating a 911 call of a subject who was breaking into vehicles in the vicinity of 41st and Karlov. Responding uniformed officers approached a subject who produced a knife and proceeded to puncture the front passenger tire and damage the front windshield of their marked Chicago Police vehicle. The offender fled with officers in pursuit. Near the intersection of 41st and Pulaski uniformed officers confronted the armed offender who refused to comply with orders to drop the knife and continued to approach the officers. As a result of this action the officer discharged his weapon, striking the offender. The offender was transported to an area hospital where he succumbed to his injuries. No officers were injured during the incident.

This matter remains under investigation and all further media inquiries can be directed to the Independent Police Review Authority at 312-446-3298.

David R. McNaughton Deputy Chief Area Central Bureau of Patrol

From: News Affairs

Sent: Tuesday, October 21, 2014 12:25 AM



Subject: Preliminary Statement on Police Involved Shooting - 4100 Block of S. Pulaski

Preliminary Statement on Police Involved Shooting – 4100 Block of S. Pulaski

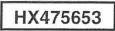
On Monday, October 20, 2014, at approximately 9:45 pm, officers assigned to the 008th District (Chicago Lawn) were on patrol in the vicinity of the 4100 block of S. Pulaski when they were responding to a call of holding an offender, when the officers arrived on scene they were met with the complaint who stated that an unknown subject was breaking into vehicles at that location. The officers approached the subject and announced their office. At which time the subject began to flee, a brief foot chase ensued. The offender produced a knife and proceeded to puncture the Chicago Police SUV tire, he then attempted to break out the driver side window of a responding unit. The officers ordered the offender to drop the knife. Refusing to comply with the officers' commands, the offender then turned towards the officers and began to approach. As a result of this action the officer discharged his weapon, striking the offender. The offender was transported to an area hospital where he succumbed to his injuries. No officers were injured during the incident.

This matter remains under investigation and all further media inquiries can be directed to the Independent Police Review Authority at 312-446-3298.

Chicago Police Department Office of News Affairs (312) 745-6110 Fax (312) 745-6999

CHICAGO POLICE DEPARTMENT CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)



Case id: 9625613 Sup id: 10988891

CASR339

PROGRESS-VIOLENT(SCENE)	DETECTIVE SUP. APPROVAL COMPLETE						
Last Offense Classification/Re-Classification	IUCR Code	Original Offen		IUCR Code			
ASSAULT / Aggravated Po:Knife/Cut Instr	0552	ASSAULT	ASSAULT / Aggravated Po:Knife/Cut Instr				
Address of Occurrence	Beat of Occur	No of Victims No of Offenders No of Arrested			SCR No		
4112 S PULASKI RD	815	4	1		1		
Location Type	Location Code	Secondary Loc	cation			Hate Crime	
Street	304					No	
Date of Occurrence	Unit Assigned	Date RO Arrived Fire Related? Gang Relat		Gang Related?	Domestic Related?		
20-OCT-2014 21:57	0841R	11R 20-OCT-2014 21:57 NO NO			NO	NO	

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
MARCH, David	20563	WOJCIK, Anthony	481	MARCH, David	20563
Date Submitted		Date Approved		Assignment Type	
15-MAR-2015 18:23		16-MAR-2015 00:03		FIELD	

THIS IS A FIELD INVESTIGATION PROGRESS-VIOLENT(SCENE) REPORT

VICTIM(S):

GAFFNEY, Thomas J

Male / White / 41 Years

EMPLOYMENT: Chicago Police Officer #19958

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

VAN DYKE, Jason D

Male / White / 36 Years

EMPLOYMENT: Chicago Police Officer #9465

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

WALSH, Joseph J

Male / White / 45 Years

EMPLOYMENT: Chicago Police Officer #12865

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

MCELLIGOTT, Joseph P

Male / White / 36 Years

EMPLOYMENT: Chicago Police Officer #18715

LOG# 1072125
Attachment 152

EXHIBIT

AmicusReporters.com

Printed on: 18-MAR-2015 13:07 Page: Printed By: LIPMAN, Matthew (1 of 22

HX475653



EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

OFFENDER(S)

MCDONALD, Laquan J

-- In Custody--

"Bon-Bon"

ALIAS:

Male / Black / 17 Years

DOB:

DESCRIPTION:

6'02, 180, Black Hair, Dreadlocks Hair Style, Brown Eyes,

Medium Complexion

RES:

BIRTH PLACE: Illinois

DLN/ID:

OTHER IDENTIFICATIONS:

Other Id

Type -State -

Unknown

IR#: SID#: 2106340

RELATIONSHIP OF VICTIM TO OFFENDER:

GAFFNEY, Thomas J

- No Relationship

MCELLIGOTT, Joseph P

- No Relationship - No Relationship

VAN DYKE, Jason D WALSH, Joseph J

- No Relationship

GANG INFORMATION:

LISTED CRIMINAL ORGANIZATION:

New Breed

GANG IDENTIFIERS: Other

ITEM USED:

Weapon

OFFENDER INJURIES:

MCDONALD, Laquan J

Type

Weapon Used

Weapon Description

Gun Shot Wound Handgun

Other - Handgun

Injured by Police

Chicago Fire Department Provided First Aid

EXTENT OF INJURY: Multiple Gsw

HOSPITAL REMOVED BY: Cfd Ambulance 21

INJURY TREATMENT: Multiple Gsw

PHYSICIAN NAME: Dr Pitzele

WEAPON(S):

INV#: 13296449

Evidence

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-Automatic

Pistol, Semi-Automatic, 4", Stainless

Printed on: 18-MAR-2015 13:07

Page:

2 of 22

SERIAL#:

PROPERTY TYPE: OTHER **OWNER:** Van Dyke, Jason

POSSESSOR/USER: VAN DYKE, JASON

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S WENTWORTH AVE Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

The Status Of This Firearm is 628361

VEHICLE INFO:

Truck, 2010 / Chevrolet / Tahoe / Truck

Victim's Vehicle

VIN:

YEAR (RANGE):

2010

COLOR(TOP/BOTTOM): White / White OWNER: Chicago Police Department

POSSESSOR/USER: GAFFNEY, THOMAS

PHONE#: 312 - 747 - 8730 The Vehicle was Seized

LOCATION FOUND: 4102 S PULASKI RD

LICENSE: Mp6581, Law Enforcement (City, County, State, Sos), IL

LOCATION OF

4112 S Pulaski Rd

INCIDENT:

Chicago IL

304 - Street

DATE & TIME OF INCIDENT:

20-OCT-2014 21:57

l :

JUST HOMICIDE DESCRIPTION: Criminal Killed By Police Officer

ADDITIONAL JUST HOMICIDE DESCR.: Criminal Attacked Officer That Officer

Killed Criminal

WEATHER AND LIGHTING:

WEATHER: Cloudy & Cool

TEMPERATURE: 50s

LIGHTING: Dark / Artificial Light **LIGHTING SOURCE:** Streetlights

DISTANCE: Overhead

MOTIVE CODE(S):

Interceding In A Felony

CAUSE CODE(S):

Dna

METHOD CODE(S):

Offender Shot

CAU CODE(S):

Police Related Not Con

FIREARM(S)

INV #: 13296449

RECOVERED:

Evidence

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-Automatic Pistol,

Semi-Automatic, 4", Stainless

Printed on: 18-MAR-2015 13:07

Page: 3 of 22

SERIAL#:

PROPERTY TYPE: OTHER

OWNER: Van Dyke, Jason

POSSESSOR/USER: VAN DYKE, JASON

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S WENTWORTH AVE Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

The Status Of This Firearm is 628361

VEHICLE(S) DAMAGED:

Truck, 2010 / Chevrolet / Tahoe / Truck

Evidence

VIN:

YEAR - YEAR RANGE END: 2010

COLOR (TOP/BOTTOM): White / White OWNER: Chicago Police Department POSSESSOR/USER: GAFFNEY, THOMAS

PHONE#: 312 - 747 - 8730

LOCATION FOUND: 4102 S PULASKI RD

LICENSE: Mp6581, Law Enforcement (City, County, State, Sos), IL

PERSONNEL ASSIGNED:

Detective/Investigator

MARCH, David M

20563

Reporting Officer

FONTAINE, Dora

4484

BEAT: 0841R

WITNESS(ES):

Printed on: 18-MAR-2015 13:07

Male / White Hispanic / 18 Years

DOB:

RES:

OTHER COMMUNICATIONS:

Cellular

Phone:

DLN/ID:

Female / White Hispanic / 19 Years

4 of 22

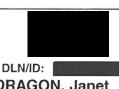
DOB:

RES:

BUS:

Page:

Р



MONDRAGON, Janet

Female / White Hispanic / 37 Years

EMPLOYMENT: Chicago Police Officer #4364

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

Female / White Hispanic / 29 Years

DOB:

RES:

OTHER COMMUNICATIONS:

Cellular

Phone:

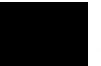
Female / White Hispanic / 24 Years

DOB:

RES:

EMPLOYMENT:

BUS:



OTHER COMMUNICATIONS:

Cellular

Phone:

VELEZ, Leticia

Female / White Hispanic / 43 Years

EMPLOYMENT: Chicago Police Officer #10385

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

BACERRA, Arturo

Male / White Hispanic / 32 Years

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EMPLOYMENT: Chicago Police Officer #15790

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Page:

BUS: 3420 W 63rd St Chicago IL 312-747-8730 FONTAINE, Dora Female / White Hispanic / 47 Years EMPLOYMENT: Chicago Police Officer #4484 BUS: 3420 W 63rd St Chicago IL 312-747-8730 Female / White Hispanic / 30 Years DOB: RES: OTHER COMMUNICATIONS: Cellular Phone: Male / White Hispanic / 24 Years DOB: RES: SSN: DLN/ID: SEBASTIAN, Daphne L Female / White / 45 Years EMPLOYMENT: Chicago Police Officer #2763 BUS: 3420 W 63rd St Chicago IL 312-747-8730 Male / White Hispanic / 25 Years DOB: RES:

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		DETECTIVE SUP. APPROVAL COMPLETE
	BUS:	
	OTHER COMMUNICATIONS: Cellular	
	Phone:	
VIF	RAMONTES, Ricardo	
-	Male / White Hispanic / 41 Years EMPLOYMENT: Chicago Police Of	ficer #10590
	BUS: 3420 W 63rd St Chicago IL 312-747- 8730	
OTHER INDIVIDUALS		(Additional Victim)
INVOLVED:	Male / White Hispanic / 43 Years	
	DOB:	_
	RES:	
	EMPLOYMENT:	
	OTHER COMMUNICATIONS: Cellular Phone:	•
	DLN/ID:	(Family Member Notified)
	Male / Black / 25 Years	,
	DOB:	
	RES:	
	OTHER COMMUNICATIONS:	
	Other:	(Person Interviewed Non-Witness)
	Female / White Hispanic / 39 Years	
	DOB:	
	RES:	
	BUS:	
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(Person Interviewed Non-Witness)

Female / White Hispanic / 62 Years

DOB:

RES:



BUS:

CRIME CODE SUMMARY:

0552 - Assault - Aggravated Po:Knife/Cut Instr

IUCR ASSOCIATIONS:

0552 - Assault - Aggravated Po:Knife/Cut Instr

GAFFNEY, Thomas, J (Victim) MCDONALD, Laquan, J

(Offender)

MCELLIGOTT, Joseph, P.

(Victim)

MCDONALD, Laquan, J

(Offender)

VAN DYKE, Jason, D MCDONALD, Laquan, J (Victim)

WALSH, Joseph, J

(Offender)

MCDONALD, Laquan, J

(Victim)

(Offender)

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:230700

REQUEST TYPE: Notification

PERSON NAME: ,Sarlo

STAR #: 13131

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:231400

REQUEST TYPE: Notification

PERSON NAME: ,Jines

STAR #: 4898

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:215000

REQUEST TYPE: On Scene PERSON NAME: ,March

STAR #: 20563

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/21/2014:225800

REQUEST TYPE: Notification PERSON NAME: ,Chibe

STAR #: 7303

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:235000

REQUEST TYPE: Notification

Printed on: 18-MAR-2015 13:07

Page:

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PERSON NAME: ,Briggs

EMP#: 76

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

AREA CENTRAL FIELD INVESTIGATION:

Progress - Scene Report.

TYPE OF INCIDENT:

ASSAULT / Aggravated of a Police Officer - Knife IUCR - 0552.

RECORDS DIVISION NUMBER:

HX475653.

EVENT NUMBER:

1429315878.

DATE AND TIME:

Mon, 20 Oct 2014, 21:57 hours.

LOCATION:

4112 S Pulaski Rd, on the street - Beat 815.

WEATHER AND LIGHTING:

Cloudy and cool, temperature in the 50s.

Dark with good artificial light provided by overhead streetlights, all on and functioning normally. Additional artificial light provided by lighting of nearby businesses.

DATE AND TIME ASSIGNED:

Mon, 20 Oct 2014, 22:00 hours, by Sgt D GALLAGHER #1303.

VICTIMS:

VAN DYKE, Jason D, CPD - PO, #9465, M / W / 36,

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DETECTIVE SUP. APPROVAL COMPLETE

Assigned to 008th District,

3420 W 63rd St,

312-747-8730,

On duty,

Beat 845R.

In uniform -

Light blue long sleeve shirt with shoulder patches,

Black body armor vest with patches,

Navy blue cargo pants,

Equipment belt with handgun and radio,

Marked vehicle -

CPD vehicle # 6412.

Chevrolet Tahoe, four door SUV,

Illinois license plate # M172910.

WALSH, Joseph J,

CPD - PO, #12865

M/W/45,

Assigned to 008th District,

3420 W 63rd St.

312-747-8730,

On duty,

Beat 845R,

In uniform -

Light blue long sleeve shirt with shoulder patches,

Black body armor vest with patches,

Navy blue cargo pants,

Equipment belt with handgun and radio,

Marked vehicle -

CPD vehicle # 6412,

Chevrolet Tahoe, four door SUV,

Illinois license plate # M172910.

GAFFNEY, Thomas J,

CPD - PO, #19958,

M/W/41,

Assigned to 008th District,

3420 W 63rd St.

312-747-8730.

On duty,

Beat 815R,

In uniform -

Uniform baseball style cap with embroidered patch,

Light blue long sleeve shirt with shoulder patches,

Black body armor vest with patches,

Navy blue cargo pants,

Equipment belt with handgun and radio,

Marked vehicle -

CPD vehicle #8489.

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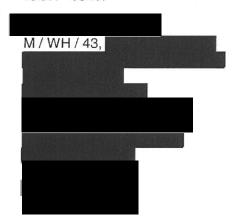
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Chevrolet Tahoe, four door SUV, Illinois license plate # MP6581.

MCELLIGOTT, Joseph P, CPD - PO, #18715, M/W/36, Assigned to 008th District, 3420 W 63rd St, 312-747-8730. On duty. Beat 815R, In uniform -Light blue long sleeve shirt with shoulder patches, Black body armor vest with patches, Navy blue cargo pants, Equipment belt with handgun and radio, Marked vehicle -CPD vehicle #8489, Chevrolet Tahoe, four door SUV, Illinois license plate # MP6581.

ADDITIONAL VICTIMS:

ASSAULT / Aggravated - Knife IUCR - 0520.



INJURIES:

No injuries to any victims.

OFFENDERS:

Deceased ----MCDONALD, Laquan J,
Nickname - "Bon-Bon,"
M / B / 17,

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CLOTHING:

Inventory # 13296470 (Unit 277)

- 1 Black hooded sweatshirt,
- 1 Black sweatshirt,
- 1 Pair blue jean pants,
- 1 Pair black boxer shorts underwear,
- 1 Pair black socks,
- 1 Pair black gym shoes.

Recovered at the Office of the Medical Examiner

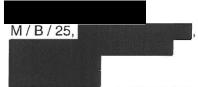
by Crime Lab Beat 5809.

To ERPS - No analysis needed at this time.

IDENTIFIED BY:

State of Illinois ID Card on Laquan MCDONALD's person.

FAMILY NOTIFICATION:



Uncle of Laquan MCDONALD.

INJURIES:

Fatal

- 1 GSW to left neck, lodged,
- 1 GSW, T & T, entrance left chest, exit rear left shoulder,
- 1 GSW to right chest, lodged,
- 1 GSW, T & T, entrance outer rear left elbow, exit inner front left elbow,
- 1 GSW, T & T, entrance rear upper right arm, exit front upper right arm,
- 1 GSW, T & T, entrance back of left wrist,

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exit front of left forearm,

- 1 GSW, T & T, entrance front of right hip, exit inner right thigh,
- 1 GSW, T & T, entrance rear upper left shoulder, exit left shoulder blade,
- 1 GSW, T & T, entrance outer rear left elbow,

exit inner rear left elbow,

- 1 GSW, T & T, entrance rear right shoulder, exit upper right back,
- 1 GSW to back of right arm, just below elbow, lodged,
- 1 GSW to back of right wrist, lodged,
- 1 GSW to back of right hand, lodged,
- 1 GSW to right buttocks, lodged,
- 1 GSW to back of right thigh, lodged,
- 1 GSW, graze wound to left side top of head.

TAKEN TO:

Mount Sinai Hospital by CFD Ambulance 21.

PRONOUNCED BY:

Dr PITZELE, at Mount Sinai Hospital, Mon, 20 Oct 2014, at 22:42 hours.

MEDICAL EXAMINER CASE NUMBER:

2014 - 01071.

WEAPONS:

Offender, MCDONALD, Laquan J ----Inventory # 13296495 (Unit 277)
1 - Folding knife,
7" overall, 3" blade (Marker C).
Recovered from the street at 4112 S Pulaski Rd,
by Crime Lab Beat 5802. Blade locked open when recovered.
Request for analysis by Latent Prints Section.

Victim, VAN DYKE, Jason D (PO) -----Inventory # 13296449 (Unit 277)

- 1 Smith and Wesson, Model 5942, 9 mm caliber, semi-automatic pistol, stainless steel, 4" barrel, serial #
- 1 9 mm caliber cartridge from firing chamber,
- 14 9 mm caliber cartridges from magazine,
- 2 Fifteen round magazines.

Recovered in the Bureau of Detectives - Area Central office by ET Beat 5824.

IL FOID card #

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expiration 01 May 2019, Chicago registration # Request for analysis by Firearms Section.

VEHICLES:

CPD vehicle damaged by Laquan MCDONALD -CPD vehicle #8489. Beat 815R. Marked vehicle. 2010 Chevrolet Tahoe, four door SUV, white / white,

IL license plate # MP6581.

Right front tire flat after MCDONALD stabbed the tire with a knife, damage to right side of windshield from knife.

MANNER / MOTIVE:

Laquan MCDONALD was shot and killed by Chicago Police Officer Jason VAN DYKE while MCDONALD was committing an aggravated assault with a knife against Officer VAN DYKE and his partner, Chicago Police Officer Joseph WALSH. MCDONALD also committed an aggravated assault with a knife against Chicago Police Officers Thomas GAFFNEY and Joseph MCELLIGOTT, when MCDONALD stabbed the right front tire and windshield of their police vehicle, and an aggravated assault with a knife against civilian, immediately prior to being confronted by Officers VAN DYKE and WALSH. / Peace officer interceding in a felony, in the line of duty-Defense of life (Offender apparently attempting to defeat arrest).

REFERENCE NUMBERS:

U # 2014 - 36.

Log # 1072125.

RD# HX486155 HOMICIDE / Justifiable Homicide IUCR - 0150.

PROPERTY TAKEN:

None.

EVIDENCE:

Video of scene taken by Crime Lab Beat 5802.

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Photographs of victim police officers taken by ET Beat 5824.

See Weapons and Clothing categories above.

Inventory # 13296485 (Unit 277) 14 - 9 mm caliber cartridge cases (Markers 1 & 4 - 16). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296489 (Unit 277) 2 - 9 mm caliber cartridge cases (Markers 2 & 3). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296500 (Unit 277)

1 - Swab box containing two swabs of suspect red blood stains (Marker B).

Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802.

To ERPS - No analysis needed at this time.

Inventory # 13296511 (Unit 277) 5 - Metal fragments (Markers A, D, E, F & G). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296523 (Unit 277)

1 - Firestone Firehawk tire with damage, attached to rim. Recovered from CPD vehicle # 8489 (Beat 815R), at 4102 S Pulaski Rd, by Crime Lab Beat 5802.

To ERPS - No analysis needed at this time.

Inventory # 13296528 (Unit 277) 4 - Ridge impression lifts. Recovered from the right front quarter panel of CPD vehicle # 8489 (Beat 815R), by Crime Lab Beat 5802. To ERPS - No analysis needed at this time.

Inventory # 13296534 (Unit 277)

1 - Envelope containing metal fragments,
recovered from the sweater of Laquan MCDONALD,
by Crime Lab Beat 5802,

3 - Metal fragments in a container,
recovered from Laquan MCDONALD at Mount Sinai Hospital,

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given to Det W JOHNSON #20169, by RN Allan GAYAN, turned over to Crime Lab Beat 5802, at Mount Sinai Hospital.

Request for analysis by Firearms Section.

Inventory # 13296451 (Unit 277)

1 - Set of elimination prints, including palms, from PO J MCELLIGOTT #18715.

Taken by ET Beat 5824.

To ERPS - No analysis needed at this time.

Inventory # 13296452 (Unit 277)

1 - Set of elimination prints, including palms, from PO T GAFFNEY #19958.

Taken by ET Beat 5824.

To ERPS - No analysis needed at this time.

Inventory # 13296464 (Unit 277)

1 - Sealed ME blood card.

Recovered at the Office of the Medical Examiner by Crime Lab Beat 5809.

To ERPS - No analysis needed at this time.

Inventory # 13296668 (Unit 277)

1 - Sealed ME bullet envelope.

Recovered at the Office of the Medical Examiner by Crime Lab Beat 5809.

Request for analysis by Firearms Section.

Inventory # 13337048 (Unit 610) 1 - CD containing compilation of video. Created by Det R HAGEN #20606.

Inventory # 13337053 (Unit 610)
1 - CD containing video from the Greater Chicago Food Depository, 4100 W Ann Lurie Pl.
Recovered by Det J MALIK #20729.

Inventory # 13337056 (Unit 610)

- 1 CD containing video from in-car camera, Beat 845R,
- 1 CD containing video from in-car camera, Beat 813R.

Inventory # 13337060 (Unit 610) 1 - CD containing video from Dunkin' Donuts, 4113 S Pulaski Rd. Recovered by Det R HAGEN #20606.

Inventory # 13337065 (Unit 610)
1 - DVD containing video from Focal Point, 4141 S Pulaski Rd.
Recovered by Det J MALIK #20729.

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Inventory # 13337077 (Unit 610)

1 - CD containing OEMC audio recording of call to 9-1-1,

1 - CD containing OEMC audio recording of CPD radio zone 6 transmissions.

Inventory # 13337080 (Unit 610)

1 - CD containing photos from ME autopsy.

Inventory # 13337087 (Unit 610)

1 - State of Illinois ID card, Leguan J MCDONALD,

1 - RTA ADA Paratransit & Reduced Fare Card,

Earnest THOMAS,

1 - Ventra, CTA ticket,

1 - Receipt for above Ventra, CTA ticket.

Recovered from Laquan MCDONALD at Mount Sinai Hospital.

Inventory # 13394378 (Unit 610)

1 - Disk containing video from in-car camera, Beat 815R (No relevant footage).

Inventory # 13394389 (Unit 610)

3 - DVDs containing video from Burger King restaurant at 4060 S Pulaski Rd (No relevant footage).

Inventory # 13394394 (Unit 610)

1 - DVD containing video from in-car camera, CPD vehicle # 9049 (No relevant footage).

Inventory # 13394398 (Unit 610)

1 - CPD Officer Safety Alert, # 2012-OSA-297.

PERSONNEL ASSIGNED:

Car 41 (Bureau of Patrol - Area Central / OCIC)
D/C D MCNAUGHTON #120

Beat 800

Cmdr J O'DONNELL #13

Beat 800X

Capt D WALSH #107

Beat 810R

Sgt S FRANKO #1381

Beat 830R

Sgt P MCGLYNN #1734

Beat 841R (Original report)

PO D FONTAINE #12698

PO R VIRAMONTES #10590

Beat 821R (Scene)

PO P KENNING #8302

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PORROSALES #9654

Beat 823R (Scene)

PO D IVANKOVICH #12392

PO J TORRES #19898

Beat 833R (Scene)

PO A VANCE #11830

PO J GEISBUSH #16422

Beat 851R (Scene)

PO L GARCIA #6490

PO E FLAGG #12037

Beat 825R (Scene)

PO M POWER #8661

PO D WAHRER #13454

Beat 842 (Mt Sinai Hospital)

PO T DZIADKOWIEC #15529

PO C GACEK #17853

Beat 846R (Mt Sinai Hospital)

PO L TORRES #10573

PO M VEGA #8526

Beat 9210 (In-car camera system) Sgt L BECVAR #1748

Beat 5880

Sgt D FRIEL #819

Beat 5802 (Scene)

FI C BRASIC #10201

ET K JUDEH #8825

Beat 5824 (Area Central)

ET P RIDER #9977

Beat 5809 (ME)

FI V RIVERA #11520

Beat 5885 (MIRV)

Det M RICKER #20201

Beat 5100

Cmdr E ROY #62

Beat 5105

Lt A WOJCIK #481

Beat 5107

Lt O VALDEZ #529

Beat 5120

Sgt D GALLAGHER #1303

Beat 5121

Det D MARCH #20563

Beat 5122

Det G JONES #21285

Beat 5131

Det J HALLORAN #20453

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Det J MURRAY #21128

Beat 5132

Det F CASALE #21041

Det D HICKEY #20723

Beat 5165B

Det R HAGEN #20606

Det A MANAOIS #20320

Beat 5166A

Det R RANZZONI #20162

Beat 5127

Det V WATHEN #20493

Beat 5193

Det M NESTAD #20505

Det W JOHNSON #20169

Beat 5194

Det A GLAVIANO #21443

Beat 5192

Det T TEAHAN #20462

Beat 5125

Det T CURRAN #20948

Beat 5102D

Det B SVEC #20941

Beat 5142

Det S ESPARZA #20140

Beat 5106B

Det J MALIK #20729

IPRA

Chief of Staff S HIRSCH #3 Supervisor A AMEZAGA #022 Investigator B KILLEN #129 Public Affairs L MERRITT #23

FOP

PO Marlon HARVEY #16468 Kriston KATO Daniel HERBERT (Attorney)

WITNESSES:

SEBASTIAN, Daphne L, CPD - PO, #2763, F / W / 45, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 813R (Circumstantial witness).

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MONDRAGON, Janet, CPD - PO, #4364, F / WH / 37, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 813R (Circumstantial witness).

BACERRA, Arturo, CPD - PO, #15790, M / WH / 32, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 822 (Circumstantial witness).

VELEZ, Leticia, CPD - PO, #10385, F / WH / 43, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 822 (Circumstantial witness).

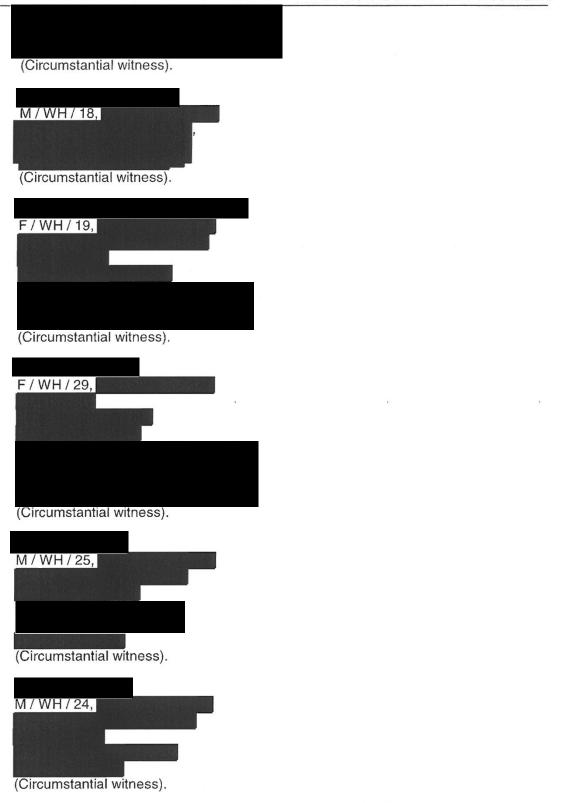
FONTAINE, Dora, CPD - PO, #4484 F / WH / 47, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 841R (Eyewitness).

VIRAMONTES, Ricardo, CPD - PO, #10590, M / WH / 41, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 841R (Eyewitness).

F/WH/24,

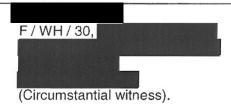
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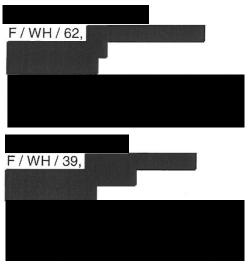


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INTERVIEWED:



INVESTIGATION:

The details of this investigation are documented in the following Exceptionally Cleared Closed Report.

REPORT OF:

Detective David M MARCH #20563 Sergeant Daniel GALLAGHER #1303 Lieutenant Anthony WOJCIK #481 Bureau of Detectives - Area Central

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From:

Mc Naughton, David R. <david.mcnaughton@chicagopolice.org>

Sent:

Thursday, October 30, 2014 3:42 PM

To:

Gulliford; Wayne M.

Subject:

31 October after the EMM

Chief

I talked to Gene Roy and he will be available after the EMM/9th District Police Shooting briefing tomorrow to go over the 8th District shooting that occurred on 20 October.

David R. McNaughton

Deputy Chief

Area Central

312-745-1583

PAX 0336

From: Roy, Eugene J.

Sent: Thursday, October 30, 2014 3:27 PM

To: Mc Naughton, David R. **Subject:** Re: two requests

I have the disk and will bring it. I will call you in about 15 mins and we can discuss those items.

Eugene Roy Commander Area Central Investigations Chicago Police Department

Sent from my BlackBerry Wireless Handheld

From: Mc Naughton, David R.

Sent: Thursday, October 30, 2014 03:24 PM

To: Roy, Eugene J. **Subject**: two requests



-			
G	e	n	e.

When you have a minute can you give me a call. I am in the office all day today.

I'd like to see if we can give Chief Gulliford a run through of the Van Dyke shooting in 008 with the disc you have with the video. I am thinking since we will be down at 35th Street tomorrow for the briefing on the 9th District shooting we could go to Gulliford's office either before or after the 1400 Hour EMM and briefing.

I also have a off the beat request for the Wallenda event on Sunday night that I'd like to talk to you about.

Thanks

Dave

David R. McNaughton

Deputy Chief

Area Central

312-745-1583

PAX 0336

From:

Mc Naughton, David R. <david.mcnaughton@chicagopolice.org>

Sent:

Tuesday, October 21, 2014 5:42 AM

To:

Wysinger; Alfonza; Admin141; Gulliford; Wayne M.

Subject:

OCIC Log for 20 October 2014

Attachments:

OCIC Log Form 20 Oct 14.doc

Attached is the log for last night.
David R. McNaughton
Deputy Chief
Area Central
Bureau of Patrol



OCIC Activity Log Office of the First Deputy Superintendent

OCIC Name	Deputy Chief David R. McNaughton	Date	20 October 2014
Driver		Duty Hours	2000-0600
Time	Incident/Activity/Violence Zone	Location/Violence Zone	Observation/Action Taken
2000-2200 Reports		16 th District	
2230-0700	Police shooting with hits. See HX475653. CL# 1072125, U#14-036. Beat 845R assisted 815R on a call of an offender being held. Responding officers confronted an offender armed with a knife. One officer discharged his weapon, and the offender succumbed to his wounds. Offender is Laquan Mc Donald, IR#2106340, M/1/17. Lance Beevar from PSIT arrived and checked all responding units for in car camera footage. Beat 813R's vehicle captured incident on camera.	4112 S. Pulaski	Conducted OCIC investigation. All notifications made, TRRs, MINs, and statement to News Affairs completed. Involved officer ordered to report to EAP. IAD beat 8018 completed tests, and IPRA on scene and at Area Central. Officers weapon recovered by Beat 5824.